REVIEW OF THE ROLE OF PUBLIC LEGAL EDUCATION IN THE DELIVERY OF JUSTICE SERVICES

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REVIEW OF THE ROLE OF PUBLIC LEGAL EDUCATION IN THE DELIVERY OF JUSTICE SERVICES

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EXECUTIVE SUMMARY

The area of PLEI service delivery and the people in the field are suffering from "review fatigue." Action is needed. The recommendations reflect my belief that people and groups need to be empowered to get the work done that needs to be done. People need to be brought together, resources need to be provided and their voices need to be heard.

In order to build collaborative capacity among PLEI community players and within government, money and direction are needed. I am recommending the development of a PLEI Network of community players and funders. Concerns that a PLEI Network of service providers and funders will not be able to reach immediate consensus on all issues is no excuse for paralysis. What I propose is a funded long-term vehicle for communication in the PLEI world in BC, where ongoing needs in the justice system and in communities can come up in a natural way. LSS is mandated to work with others and to facilitate coordination in the area of PLEI, and I support their initiative.

I am also recommending the development of a coordination position within the Ministry of Attorney General. The Ministry of Attorney General needs to positively respond to prior reviews which have called for more leadership and coordination in government. Government can encourage PLEI service providers and funders to take a fresh look at what they are doing by setting the example.

In this Review, I encourage the spirit of continual self-assessment. Applying this principle to my own work, my Review is strong on practical suggestions for coordination, communication, planning and reporting and encouraging people to agree on basic propositions. It is not as strong on the substance of forward-thinking and effective PLEI program delivery. This is due to the time I had for producing this Review, and is not a reflection on the importance of this topic. I also have confidence that, among the PLEI players in BC, this background and expertise can and will be brought to the table.

Chapter A

DESCRIPTION OF PUBLIC LEGAL EDUCATION AND PUBLIC LEGAL INFORMATION

Deliverable: A description of public legal education and public legal information (PLEI) and how PLEI can be differentiated from other justice services such as advocacy.

Background

The role of PLEI in Canada has a long history. PLEI began as part of the anti-poverty movement in Canada in the 1960's – primarily through law student clinics and consumer advocacy groups – and gained legitimacy in government and among those working within the justice system during the 1970's. During the 1980's there were significant changes within the justice system, including the introduction of legislation such as the *Canadian Charter of Rights and Freedoms* in 1982 as well as the *Young Offenders Act* in 1985. These changes added a significant challenge to the provision of PLEI. (based on excerpts from" What was Heard: Towards Public Legal Education Information Program Renewal" – Department of Justice Canada, December 2001) Recognizing this, the federal government began contributing annual funding in 1984 in all provinces and territories to sole purpose PLEI providers. Concurrently, law foundations across Canada as well as ministries of attorney general, ministries of education and teachers federations also began to contribute significant funding to this area.

Wanda Cassidy, Director of the Centre for Education, Law and Society at Simon Fraser University traces the same timeline at pages 297-298 of her article "Law-Related Education – Promoting, Awareness, Participation and Action" in Weaving Connections (Sumach Press, 2000):

" *Across Canada, adults of the 1970's, fresh from the activism of the 1960's, began demanding that law be demystified, that legalese be abandoned and that the cloistered world of the law be opened up to the average person. Running parallel to the grassroots movement, was an acknowledgement from some at the top of the legal profession that Canadians were generally ignorant of the law....Since a democratic society only functions well with a knowledgeable and engaged citizenry, and since ignorance of the law is no excuse for breaking the law, several prominent spokespeople called for something to be done, and done quickly, to foster a more legally literate public. One route put forward by the Canadian Bar Association, was to focus on the needs of the adult population, or to bring law to the people. Another route, deemed likely to be more effective in the long run, was to educate young people while they were still in school and still a captive audience.*" (I have attached this article as Appendix A because of its overall discussion of the importance of public legal education, and because of its analysis of the "unravelling of the law-related education movement. This analysis would be useful to consider should a PLEI Network be formed in this province – which is one of the major recommendations made in this Review.)

Wanda Cassidy goes on to point out in her article that there is not a single thing that we do as individuals that is not influenced by law. The Department of Justice has also noted that there isn't a single act that any government can do that does not have it source in the legal system. As the justice system has evolved, so has the need for the PLEI field to provide services that facilitate citizen understanding and engagement.

The context of this Review is an appreciation of the diversity and the all encompassing nature of the word "PLEI."

Public Legal Education

"Public legal education (PLE) has an identity problem. It is both a concept and a description of the services that help people learn about the law. Attempts to define PLE have not been entirely satisfactory. Trying to pin PLE down to a concept-based definition ignores the diversity of services actively providing information on the law. Yet, concentrating on the service-based aspects of PLE ignores the real commitment to the principles of a democratic and equitable justice system that motivates our governments, public legal education service providers, the legal profession and the funders of legal information activities." (People and Law – A Blueprint for PLE Service - Canadian Law Information Council, February 1988, page 4)

Public Legal Education (PLE) is any activity which allows individuals or groups of individuals to understand and use the law. It is a broad definition of education that includes a wide range of approaches. It is driven by the desire to provide people with the legal literacy to understand our laws and legal system generally, and to be able, when necessary, to seek the appropriate remedies in law when problems arise in people's lives. Informing and educating the public about the law is a cornerstone of a democracy and is fundamental to the effective functioning of the justice system.

Public Legal Information

Public Legal Information (PLI) is legal content provided so that the intended user can understand the legal context of the particular situation.

Often, whether or not a PLE tool or a PLI tool is used is a matter of determining which tool will actually work. For many members of indigenous communities, for example, supplying legal information brochures alone would have little value. In addition, PLI, if done well, will have a PLE component. For example, when providing legal information on a topic such as domestic assault, the service provider will not limit itself to talking about the strictly legal consequences of wife assault but may also address the broader values of women's equality, as well as the legal remedies of dispute resolution/counselling, child support, child custody and access and the division of family assets.

PLEI Advocacy

The term "advocacy" covers many kinds of activity, including self-advocacy, advocacy for others and group advocacy.

A PLEI advocacy role is to influence systems to be more open, transparent and fair, and to increase the public's ability to understand and access the laws. PLEI service delivery may involve self advocacy, advocacy for others and group advocacy. With respect to self advocacy, it is standard practice for PLEI organizations to teach people about their rights and responsibilities under the law. Teaching people about their rights usually involves an explanation as to how people can obtain legal remedies if they so choose, for example, through mediation, arbitration, Small Claims Court, complaints to the Employment Standards Branch, etc.

Individuals can also use PLEI as a tool for advocating for others achieve legal remedies. While some of these individuals may be acting as private citizens helping a friend or family member, many of them work for advocacy organizations whose mandate it is to advocate for members of certain groups of people such as tenants, seniors or battered women.

Finally, there are many advocacy organizations in British Columbia which advocate on behalf of entire groups of people such as the disabled, children or domestic workers. These organizations use materials produced by PLEI organizations to encourage law reform. They may also use other tools to promote social and legal change such as petitions, submission of briefs to government, and court challenges.

Provision of PLEI Services

PLEI service delivery is widely accepted to be based on the principles of access to justice and public ownership of the law. PLE and PLI are both needed to effectively serve communities. They can be viewed as being at different places on the continuum of access to justice tools.

Two separate reviews address this point:

"Public legal information and education programs require a common purpose. The goal of all public legal education and information activities should be to ensure equal access to justice. People cannot access a legal responsibility if they do not know it exists. Citizens must be given the information they need in a meaningful form so they can gain access to the justice system." ([illegible] LSS Brief to the Attorney General Public Legal Education and Information Review)

"PLEI programs presume that the interests of society are best served by an informed citizenry, able to interact with the justice system in a manner which best protects their individual and group rights. It further presumes that the justice system works best with an informed public which is able to understand and interact with the Canadian justice system effectively as witnesses, accused, litigants, advocates, or interested citizens." ([illegible] Public Legal Education and Information Review – Rick Craig, page 5, attached as Appendix B)

I have not found it useful in this Review to focus on the differences between PLE and PLI programming. Both are needed for the public to properly access the justice system. Accordingly, I use the term PLEI to intentionally embrace the value of both types of programming. If an organization uses the term PLI to describe its programming, that terminology is, of course, accurately stated in this Review.

There has been significant academic work done on the differences between PLE and PLI. This work is important. However, in the time frame that I had to conduct this Review, I decided there are more urgent concerns in BC, namely the need to implement "common theme" recommendations of numerous reviews done in this area.

Chapter 8

ROLE AND SIGNIFICANCE OF PLEI
TO GOVERNMENT AND TO THE JUSTICE SYSTEM

Deliverable: The role and significance of PLEI to government and to the justice system.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

even on their radar screen. (Public Legal Education and Information Study – Report to Justice Canada – COMPAS Inc. March 2002 – attached as Appendix C)

The public, PLEI and government….

"Studies of the civil justice system in Canada have accepted the need for reform of the system and have concluded that the public should play a key role in reform efforts. A number of the many recommendations for reform emanating from the judiciary, the legal profession, and government are aimed at increasing the responsiveness of the system to the needs and expectations of the public….

Serious concerns have been raised from both inside and outside the civil justice system about public access to justice and the ability of the system to speak, listen and respond to the public. Cultural and linguistic minority communities, the poor, persons with disabilities, and women may be particularly disadvantaged in terms of access to and communication with the civil justice system. Barriers to civil justice may be insurmountable for Aboriginal Canadians who have culturally distinct approaches to the resolution of disputes. This limited or complete lack of access and understanding undermines public confidence in the civil justice system.

It is widely believed that a lack of public knowledge about the justice system, as well as complex laws and procedures and the high cost of legal representation, pose significant barriers to access to civil justice." (pages 1-2, "The Canadian Civil Justice System and the Public" – Lois Gander, June Ross, Allison McKinnon and Diana Lowe. This paper, written by a team of researchers at the University of Alberta in conjunction with the Canadian Forum on Civil Justice, is attached as Appendix D.)

Important work is being done by the Canadian Forum on Civil Justice in this area. The goal of the forum is to bring together the public, the courts, the legal profession, and government to strive to ensure that civil justice is accessible, effective, fair and efficient. One initiative of the Forum is the "Civil Justice System and the Public", a multi-disciplinary, collaborative research program that begins with the widely accepted belief that there are significant barriers which prevent access to the justice system. One significant barrier is a lack of effective communication between the system and the public.

In research to date, five major themes have emerged: challenging language; the impersonal nature of court protocols and procedures; transparency in communication; delivering public legal education when and how the public want it; and perceptions about "legal process" versus "justice." The Forum's research to date affirms the results of other studies that PLEI must be delivered in a variety of forms in order to be effective. At page 17 of the above noted paper, the researchers state that PLEI materials "…must be available and accessible, but an even more basic requirement is that people need to know this resource exists and how to get it."

Not surprisingly, one of the Forum's findings to date is that members of the justice community need to communicate more with each other. I commend the entire paper at Appendix D for a deeper understanding of the role of PLEI and the justice system but wish to stress the Forum's initial findings.

"*Talking within the system about a model of collaboration for change is essential to bringing it about, and also to better communicating with the public about civil justice matters. This requires negotiating the traditionally hierarchical and adversarial structures of the system to overcome entrenched prejudices that exists between and among the varied groups involved. .....*

...*it* falls to the most powerful to take the initiative and create safe places for open and frank dialogues to occur. .....Those in administration must first fully explain their desire for increased collaboration and constructive change and also demonstrate this in their communication relationships with each other. " (pages 22-23, "Talking with the Public: The Public, Communication and the Civil Justice System, Diana Lowe and Mary Stratton, Canadian Forum on Civil Justice)

These propositions underlie my recommendations that the MAG and LSS must take the lead in bring together the players in the PLEI world in the province.

Chapter C

SUMMARY OF PLEI ACTIVITIES

Deliverables:

- *Summary of PLEI activities related to the justice system presently undertaken in the province including: name and brief description of organizations; types of activities by organizations; funders including any provincial government contributions (by ministry, if possible)*
- *Estimate of the breakdown of money spent on PLEI by the Law Courts Education Society, People's Law School, Legal Services Society, UBC LSLAP, UVic Law Clinical Program; and an estimate of the share of contribution by the Ministry of Attorney General and other ministries, where applicable, to each of these organizations/programs*

Note: In the course of gathering this information, the MAG noted that the comprehensive nature of the exercise confirmed the value of developing a community profile for the province. PLEI information of this type simply is not readily available and accessible in BC. (See E. Summary of Discussions and Recommendations.)

PLEI SERVICES PROVIDERS

1. Legal Services Society

Organizational Profile

Restructuring of the Society and reductions to services became necessary after the provincial government announced in January 2002 a 38.8% cut to legal aid funding over three years. Funding was reduced from $88.3 million in 2002/03 to just under $54 million in 2004/05.

Effective September 3, 2002, LSS began to provide legal aid and legal information services to the public through 7 regional centers, a toll-free provincial call center, and 18 local agent offices. In addition, government agents in communities across the province support Legal Services Society (LSS) information services and act as a drop-off/pick-up point for LSS clients. As well, LSS will continue to fund a variety of PLEI based projects in various communities (intermediaries, advocacy, and community groups or individuals) in order to extend outreach to low income people.

Mandate

The mandate to provide PLEI services stems from Part 2, Section 9 (1) of the *Legal Services Society Act*, which states that "The objects of the Society are (a) subject to section 10(3), to assist low income individuals to resolve their legal problems and facilitate access to justice for low income individuals."

There are other references in the legislation which are helpful in understanding the role of LSS in providing PLE services:

Part 2, Section 9 (2) – "The society is to be guided by the following principles:

(a) the society is to identify and assess the legal needs of low income individuals in British Columbia;
(b) the society is to coordinate legal aid with other aspects of the justice system and community services;
(c) the society is to be flexible and innovative in the manner in which it provides legal aid."

Part 2, Section 10 (1) – "For the purpose of its objects, the society has, subject to subsections (2) and (3), all the powers and capacity of an individual and, without limiting this, may

(a) determine the method or methods by which legal aid is to be or may be provided, with power to determine different methods for different types of legal matters and different classes of persons;
(b) facilitate coordination among the different methods, and the different persons and other entities, by which legal aid is provided."

Part 2, Section 11 (1) – "Subject to subsection (2) and (4), the society may provide legal aid by any methods that it considers appropriate, including, without limiting this,

(a) by assisting individuals representing themselves, including by providing them with summary advice, information packages, self-help kits and assistance in preparing documents;
(b) by funding alternative dispute resolution services, and
(c) by providing public legal education and information."

Activities

PLE in 20001/02 can be summarized as follows:

- Legal Resource Centre – responded to 1,259 specialized reference requests; provided grants to 68 libraries or library systems for the purchase of legal materials; provided or participated in 16 workshops for 372 librarians, LSS staff, and community organizations; circulated 814 audio-visual items, and responded to 12,482 Law Line inquiries.
- PLE Program – funded 45 groups to carry out PLE projects in 2001/02 and helped another 37 community groups complete projects started in previous years.
- Native Programs – funded 24 PLE projects and 9 restorative justice initiatives.
- Publishing Program – produced 54 PLE materials – new, revised, and reprinted- along with 17 posters, video jackets, or brochures about legal aid office services. The program distributed 166,997 PLE items, including 137,363 PLE Program and 14, 402 Native Programs Department publications.

PLE for 2002/03 has had to be substantially revamped in view of the historically deep budget cuts. Although the budget is set at $2.3 million, one must factor in the closure of the community law offices, the elimination of poverty law services, the closure of the

Learning Resource Centre, the elimination of the small grants programs to community and aboriginal groups, and the reductions to family law services to fully understand the severe reduction in the delivery of PLE services in this province. LSS estimates that it lost approximately $4 million in PLE services provided by staff lawyers, paralegals and intake workers.

At LSS, PLE is now housed in the "Legal Information Technology and Communications Department" (LITC). The group's Mission Statement is:

"To provide poor and otherwise disadvantaged people some solutions to survival law problems by maintaining a critical level of legal information in the community."

Service provision strategies are to:

1. Effectively manage and disseminate corporate and public legal information;
2. Advocate, educate, inform (few to many)
3. Create information only when directly beneficial to low income people and no other source exists;
4. Maintain and develop partnerships with community groups, organizations and information and referral agencies that provide services to LSS clients.

Within the Department, there are four divisions: Public Legal Information; Community and Poverty Services; Community and Aboriginal Programs; and Information Technology.

The LSS strategic plan will be announced shortly. It is expected to reinforce the direction of PLEI. A news release dated August 19, 2002 provides a general description of new services:

"LSS is also refocusing its legal information services (LIS). For instance, the Society has launched a new family law website, and is changing Law Line to a toll-free service available to everyone in BC, focusing on poverty law and legal problems for which legal representation is unavailable. Regional centers and most local agents will provide LIS kiosks where clients can access the LSS website and other legal resources on the Internet.

In the absence of our former summary advice and poverty, human rights and broader family representation services, we are redoubling our efforts to help people understand the law, what they need to do to resolve their legal problems, and how to go about doing it....LSS also plans to work with advocates in communities across BC, to support them with tools to help people in need of legal assistance....

Support for LSS information services will also be provided through BC's Government Agents, located in 59 BC communities. They will, for instance, carry LSS legal information publications, help clients navigate internet based legal resources, and act as a mail and fax drop-off/pick up points for clients..."

LSS states that they remain committed to maintaining accurate, current and timely information in all areas of law affecting low income people with special emphasis on subject areas where representation services are no longer available. Subject areas include aboriginal law, non tariff criminal matters, specific legal issues affecting new immigrants or refugees available in languages other than English, family law including abuse and child protection issues, and new updates on welfare law and seniors' issues. This information will be made available through the new LSS website and where required in print.

LSS will support the work of the offices, government agents and public libraries by providing promotional materials, resource guides and alerting services. Staff will visit information providers in their field visits to determine what, if any training or encouragement, providers need to make the information services more visible and accessible to potential clients. LITC will work to develop training plans to meet these needs.

LITC will continue to work in collaboration with the Law Foundation, PovNet, and other poverty law service providers to ensure that legal information remains current, and that substantive law training programs are provided to community advocates at a local, regional and provincial level. Initiatives this year include training materials and workshops for welfare law advocates, child protection advocacy for aboriginal and non-aboriginal communities and training community workers to assist lay litigants use materials from the family law web site. The Society is looking at ways to support legal consultation services to key community advocates using the legal expertise on staff and/or contracting with specific experts in the field.

Finally, LITC believes that it retains a leadership responsibility in working with other PLE based organizations in sharing experience, knowledge and expertise and leveraging their technical infrastructure. This leadership has been demonstrated through the track record of LSS, and in the vigour and dedication of the staff and the Official Trustee in working with other organizations and communities to adjust to the new budget realities. Examples of this demonstrated leadership role in 2002 include the series of consultations held by the Official Trustee Jane Morley Q.C., and Executive Director Mark Benton throughout the year; the Community Legal Information Needs Meeting held in May; and the Survey and Comments re: Legal Information and LSS services from Public Libraries and Librarians.

Funding Information

The MAG is the primary funder of PLEI services at LSS.

2000/01 Budget - $2,165,171

2002/03 Budget (requiring approval by the Official Trustee) – approximately $2 million

- Library Information, Technology and Communications
- PLEI
- Community and Aboriginal Programs
- Community and Poverty Programs

2. Law Courts Education Society (sole purpose PLEI provider)

Organizational Profile

The Law Courts Education Society (LCES) provides educational programs and services on the justice system in Canada and BC. History is important. In the fall of 1988, a special law reform committee created by the then Deputy Attorney General of BC, Ted Hughes, published a report with recommendations for changes to the BC justice system. The report states: "Citizens must be given the information they need in a meaningful form, so that they can gain access to the justice system..." In 1989, the BC Ministry of Attorney General, the Judiciary and the Canadian Bar Association (BC Branch) created the LCES and assumed responsibility for the law courts education programs that had begun in I979.

In addition to the main office in Vancouver, there are five regional offices: Prince George, Kelowna, Kamloops, Surrey, and 222 Main Street in Vancouver.

Mandate

The LCES Mission is "To make our justice system accessible to everyone through hands-on, targeted, two-way education between the public and the justice system."

LCES programming has three main themes: (1) schools and education (experiential learning experiences related to how the justice system works, and deepening this learning experience for certain groups such as youth as risk); (2) legal needs/attitudes and behaviours (examples include programs focused on unrepresented litigants); (3) targeting the system (for specific groups such as the deaf, cultural minorities and those with development disabilities).

Programming is two way – helping the public and specific groups within society to understand the justice system; and helping those people within the system (judges, lawyers, sheriffs and other justice system personnel) better understand the justice related issues that different people in communities face. LCES works in partnership with the Ministry of Attorney General, the Ministry of Education, the Judiciary, the Canadian Bar Association (BC Branch), schools and communities.

The underlying philosophy of LCES programming is that people need to understand the context of a problem before they are ready to deal with it. They may not know what question to ask, and they likely need dialogue and interaction. Then, if people are in trouble with the system, they need to understand the alternatives available to them.

Activities

Program Services 2002/03

- Justice System Education Program
- Court link Auto Crime Prevention Programs – 32 programs for Grade 7 and Law 12 students
- Unrepresented Accused Assistance Project
- Northern Native PLEI Program
- Parenting After Separation Program – 66 workshops involving 900 participants

- The Court Information Program for Immigrants – 2 workers working in Spanish, Chinese and Vietnamese at the 222 Main St. Courthouse
- The Judicial Community Liaison Program – Programming with the Provincial Court Equality Committee and the Supreme Court Education Committee
- Society Resources and Brochures

Special Projects and Events 2002/03

- New Directions in Youth Justice (general materials and First Nations resources) 47 professional development workshops on the new *Youth Criminal Justice Act* for teachers
- Legal Terminology Website – 5,000 terms are being translated in 6 languages
- Court Staff Cultural Diversity Workshop – for court staff involved in the Air India trial
- First Nations Community Education on addressing abuse – workshops, courtlinks and a video
- Williams Lake Peer Justice Conference – pilot program for First Nations youth
- Judicial Independence for You
- Guatemala Oral Trials Project – 14 seminars
- Public Legal Education in China – a seminar involving the sharing of approaches to PLE with Chinese counterparts
- First Nations Parenting after Separation Program – workbook, facilitator's guide, community workshop framework and video
- Assessment of Materials for Self-Represented Litigants – assessment of the impact on self-represented litigants and the court in the Kamloops, Kelowna, Prince George and Surrey courthouses
- Justice System Training for Assisting People with a Developmental Disability – development of an educational seminar to train courthouse staff on how to deal better with people who have developmental disabilities
- Air India websites – site for victims and the public
- Relationship Violence Website and CD Rom
- Legal Beagle Website Program – content of the first issue of Law Connections/Legal Beagle – a joint website initiative with the Centre for Education, Law and Society
- Workshop on Contemporary Issues in Law – an evening workshop for law teachers on the *Youth Criminal Justice Act*
- LCES website

Funding Information

The total annual budget for LCES is approximately $1.5 million.

For 2002/03

Core funders include:

- Ministry of Attorney General - $300,000;
- Ministry of Education - $150,000;
- Law Foundation of BC. - $60,800

Project funders include:

- Province of British Columbia – Court Information Program for Immigrants - $65,000; Parenting after Separation - $34,099; Air India Website for Families of the Victims - $39,814; Air India Website for the Public - $40,000
- Insurance Corporation of British Columbia - ICBC Court link Project 2001 - $95,173; ICBC 2002 – Fraser Valley - $36,000
- Law Foundation of British Columbia – First Nations: Options for Addressing Abuse - $47,000
- United Way – First Nations: Options for Addressing Abuse - $7,500
- Department of Justice – Youth Criminal Justice Act Workshop - $35,900; Unrepresented Accused - $85,400; Teen Courts - $34,600; First Nations – YCJA - $49,000; Website on Domestic Abuse - $35,000; First Nations – Parenting After Separation - $33,726
- Canadian International Development Agency – South Africa - $3,800; Guatemala Project - $2,635; China 2001 - $36,709; Guatemala 2001-2003 - $220,000

The funding contributions of the MAG and other government ministries to LCES represent approximately $750,000 or 50% of the total budget of $1.5 million.

3. People's Law School (sole purpose PLEI provider)

Organizational Profile

UBC law students founded the People's Law School (PLS) after receiving an Opportunities for Youth grant from the federal government. Students recruited lawyers for free law classes in the Vancouver area, and published plain-language booklets. The Law Foundation and MAG first provided core funding in 1974, as did the DOJ in 1990.

PLS is a fully independent Society. There are no appointees to the Board. Directors are elected or acclaimed by members of the Society at the Annual General Meeting. Board composition as of 2001/02 include two lawyers, a chartered accountant, a representative from crown counsel/victim services, a Supreme Court Judge, two notary publics, a representative of a community based advocacy group, a businessman and a school principal.

Mandate

The overall goal of PLS is to provide British Columbians – especially those with special needs – with impartial and reliable information about the laws affecting their lives. PLS works with community partners, women's centers and immigrant serving organizations.

The chief target audiences are the general public, seniors, youth, the disadvantaged and intermediaries.

Activities

PLE (2001/2002)

- Publications program – 94,222 copies distributed on a wide variety of topics , the top five requested booklets being The Child's Rights to Love; Power of Attorney; Choosing/Being an Executor; Working in BC: Your Rights and Responsibilities; and Scams to Avoid. Other booklets include BC Child Support Guidelines; Take Charge (representation agreements); Volunteers and the Law; Writing your Will; and The Teachers' Guide to Learning about the Law.
- Website – Content is written in large and extra-large print; several of the booklets noted above are posted in Spanish and Chinese i.e. Writing Your Will, Scams to Avoid, and Caring for Children
- Speaker request program – 76 speaking engagements arranged primarily in the Lower Mainland, and primarily to community groups, health care workers, seniors' organizations, and caregivers
- Provincial Innovations Program – organization of 140 workshops throughout BC for youth enrolled in public schools, as well as youth at risk in alternative schools; focus has been on four topics: youth justice renewal, victims' rights, bullying, and youth dating violence.
- Justice Theatre – 150 staged dramatizations and discussion of criminal trials based on bullying and hate crimes in schools throughout BC
- Children's Summer Law Program – a 4 week introduction to law and legal institutions for elementary children in Vancouver
- Referrals – 2,394, primarily to Lawyer Referral, Law Students' Legal Advice Clinics, community organizations and LSS
- Cultural Minorities Program – offered group events (free law classes, speaker placements, intermediary training workshops for immigrant settlement counsellors); culturally adapted booklets in immigrants languages; and PLE through ethno cultural media and special events

Funding Information

Funders for 2001/02 were:

Legal Services Society of BC	$4,551
The Notary Foundation	25,000
Ministry of Attorney General	40,000
Heritage Canada	41,866
Justice Theatre User Fees	61,431
Ministry of CAWS	98,832
BC Gaming Branch	99,080
Department of Justice: Projects/Core	277,088
Law Foundation of BC	273,058
	$920,673

The funding contributions of the MAG and related government ministries represent $237,912 or approximately 25% of the total budget. However, with the elimination of the funding to the Cultural Minorities Program by the Ministry of CAWS, it would appear that the funding contribution of the MAG and related government ministries has been reduced to $139,080 or approximately 15% of the total budget.

4. UBC Law Students' Legal Advice Program

*Note – The next two organizations have PLEI as their secondary purpose. As with LSS, legal aid service delivery and PLEI service provision are inextricably interwoven. Studies in the past have produced sound arguments as to why PLEI and legal aid should be integrated. These include:

(1) Problem Identification and Referral – A legal problem must first be identified as having a legal solution before an individual seeks a remedy. In order to access the justice system, people must have access to information, education and advice about the law. People must know they have a legal right or responsibility in order to exercise or assume it. They must also know when and how to access legal services.
(2) Efficient Case Management – Once a person requests legal help, assistance must be provided in the most efficient and effective manner possible. Assistance includes: (a) information or education or advice leading to self-help, and (b) representation by a lawyer or paralegal.
(3) Enhanced Coverage – LSS's coverage criteria for representation services are necessarily limited due to limited resources available to provide those services. Information and advice can be provided to assist individuals with pressing legal problems who cannot otherwise obtain services.
(4) Prevention – Our legal system is sufficiently complex that ignorance can cause unnecessary involvement with the justice system, thereby resulting in increased service costs. Information and education services directed to the general public, particularly through the education system, will reduce long-term costs of the justice system.

Organizational Profile

For the past 31 years, the Community Legal Assistance Society (CLAS) has supervised and provided support staff to the law students involved in the UBC Law Students' Legal Advice Program (LSLAP). In the 2001/02 year, over 200 students volunteered their time to staff the 22 evening clinics operated during the Winter and Spring sessions. Throughout the year, approximately 3,000 people were seen at various clinics and were provided with legal advice, referral and follow-up services. The evening clinics and summer clinics run by the students resulted in Lower Mainland residents benefiting from over 25,000 hours of student time and approximately 600 hours of volunteer lawyer time.

LSLAP is the second largest provider of legal aid services in the province.

Mandate

The main areas of law handled include matters relating to: small claims disputes, wills and estates, family, criminal, Motor Vehicle Act problems, employment insurance, employer/employee, social assistance, workers' compensation, landlord/tenant, and a variety of other legal issues. The students assist all clients on a first interview basis and do continuing work on cases for those who cannot afford a lawyer and who do not qualify for legal aid. Clients are either given summary advice where the problem could be handled at the clinic, or summary advice with a referral to the appropriate agency if no follow-up is necessary.

Activities

PLEI

The LSLAP Manual (also posted on the website) is revised and produced annually. It is approximately 300 pages in length and is divided into 24 chapters that provide an overview of different areas of the law. Not only is the Manual a valuable source for clinicians, but it fulfills the public education mandate of LSLAP's constitution. Approximately two thirds of Manuals are sold to advocacy groups, practicing lawyers, schools and libraries.

The LSLAP website also provides information on LSLAP's mandate, who LSLAP helps, and what LSLAP helps with, as well as links to legal and advocate organizations that may also assist people.

A public relations director ensures that other legal service providers and community organizations are aware of the strengths and limitations of the program so that LSLAP can efficiently assist the community.

Funding Information

The Law Foundation provides annual core funding in the amount of $131,000.

Other contributions to a total budget of $331,292 for the year ending August 31, 2002 include:

City of Vancouver - $40,400;
Notary Foundation - $25,000;
Challenge Program - $106,284;
Donations - $6,097;
Manual Sales - $22,907;
Interest income and miscellaneous - $1,284

The MAG and related ministries did not contribute any funding in the past year.

6. UVic Law Students Clinical Advice Program

Organizational Profile

Since 1976, the Clinical Program has operated as a partnership with LSS under the umbrella of the Law Centre Association of Victoria. As a result of the provincial government budget cuts in 2002 and a change to the governing legislation for LSS, LSS has decided to terminate its partnership. This decision is and will have a profound impact on the:

- funding of the Clinical Program
- location of the Clinical Program
- nature of services to be provided by students
- supervision of student work
- ability to provide support services for the office
- equipment, and
- other issues, such as community input into the program.

Mandate

[illegible]

[illegible]

Activities

[illegible]

Funding Information

[illegible]

[illegible]

[illegible]

9. Centre for Education, Law and Society – SFU (law-related education focus)

Organizational Profile

[illegible]

Mandate

[illegible]

Activities

[illegible]

development of holistic anti-violence programs for schools based on the ethics of care and justice. Three undergraduate courses and one graduate in law education have been developed and are offered through the Faculty of Education. The three undergraduate courses also are available through Distance Education. The Centre attracts a number of graduate students interested in issues related to school law, human rights, citizenship education and school culture. The Director estimates that approximately 200 students (mainly teachers and prospective teachers) attend the courses.

The Law Connection is produced by CELS; it is an electronic newsmagazine which delivers legal information and provides classroom resources to students and teachers in BC Schools. The website includes articles; resources; lesson plans; legal updates; Beagle Bytes (lawyers, court workers, police officers and other teachers answer questions). Themes addressed to date include: War Crimes, Youth Justice, native Legal Issues, Protection of Children, Equality Rights, Harassment, Citizenship Rights and Social Responsibility, Criminal Law, Refugee and Immigration Law.

Centre staff also do a significant amount of work with and for the community. Examples include a panel presentation for the Burnaby Family Court and Youth Justice Committee on bullying and violence in schools; workshops in schools on the ethics of care and justice in school practice; and consultation to Whytecliff Education Centre, an innovative school for at risk and court referred youth.

Funding Information

CELS received substantial endowment funding (including interest, the balance is now $1.2 million) in the early 90's from the Law Foundation of BC, the Real Estate Foundation and the Notary Foundation. Total annual revenue is approximately $60,000.

Project funding over the years has been provided by the Law Foundation of BC, The Real Estate Foundation of BC, The Notary Foundation, Legal Services Society, Heritage Canada, the Department of Multi-Culturalism Canada and Simon Fraser University.

The MAG and related ministries do not provide funding to CELS at this time.

7. Canadian Bar Association (BC Branch)

Organizational Profile

The Canadian Bar Association (BC Branch) is a professional organization which was formed in 1896 and incorporated under a Special Act of Parliament in 1921. The purpose of the Association is to:

i. enhance the professional and commercial interests of the members of the legal profession and protect the independence of the judiciary and the bar;
ii. provide personal and professional development and support to all members;
iii. promote fair justice systems and facilitate effective law reform; and
iv. promote equality in the legal profession and eliminate discrimination.

Mandate

Public legal education has been a significant part of the mandate since 1982. The CBA was very active in the early '90's with respect to the organization of meetings of PLEI funders and service providers. The early reviews in this field acknowledge the leadership role played by the CBA.

The CBA's position now is that it is very willing to attend meetings with a general purpose of better co-coordinating activities among the players. The organization is focused, however, on its primary objective which is to provide services to its members.

Activities

Dial-a-Law is a public service that has been operated by the CBABC since 1982. Dial-a-Law is a library of pre-recorded messages prepared by lawyers to provide practical information on specific topics of law. This service is a free, convenient and easy way to learn about the law and rights as a resident of BC. More than 49,300 visitors accessed scripts on the highly successful program either by phone or Web site in 2001/2002.

The Lawyer Referral Service is a public service program that provides referrals to lawyers who volunteer to charge only $10 for up to 30 minutes of consultation. The CBABC has operated this program since 1971. The Lawyer Referral Service is available to everyone and is designed to encourage the public to seek legal advice before problems become complicated and expensive. In 2001/2002 there were 90,382 calls answered providing 56,159 referrals to participating lawyers.

Law Week, held on an annual basis, was created to celebrate the anniversary of the Charter of Rights and Freedoms and to educate the public about the justice system. It includes Dial-a-Lawyer Program Day; a Short Story Contest; Public Speaking; Student Mentor Program; Photo Contest; Open House; and Mock Trials.

In addition, the CBABC also provides the services of a Speaker's Bureau for the public.

Funding Information

All of the CBABC programs (with the exception of the Speakers' Bureau) receive primary funding support from the Law Foundation. $241,600 is allocated annually to the Dial-a-Law and Lawyer Referral Program, and $5,500 for Law Week.

The MAG provides no funding to these programs.

PLEI FUNDERS

1. Law Foundation of BC

Organizational Profile

The Law Foundation of BC is a non-profit foundation created by legislation to receive and distribute the interest on clients' funds held in lawyers' pooled trust accounts maintained in financial institutions. Pooled trust accounts are used to hold client funds for short periods of time, until it becomes feasible to distribute those monies to the client or others. Typically, funds held in this way are purchase monies in real estate transactions.

Because of the difficulty and cost of ascertaining how much interest in pooled trust accounts was attributable to each client's funds, and because the amount of interest related to each client was usually small, for many years financial institutions paid no interest on these accounts, although the total funds in the pooled account might be very substantial. As a result, the financial institutions profited from the use of the funds in the pooled trust accounts without charge.

British Columbia lawyers pioneered a change to the practice in 1969 when they persuaded the provincial government to enact legislation requiring financial institutions to pay interest on these pooled accounts to the Law Foundation, which was, in turn, to use the interest to benefit the public of British Columbia.

The Law Foundation is administered by an 18 member Board of Governors: the Attorney General (or his/her appointee); 3 persons, not lawyers, appointed by the Attorney General; 12 members of the Law Society or the judiciary appointed by the Benchers to represent geographical areas of the province; and 2 members of the Law Society appointed by the BC Branch of the Canadian Bar Association.

Mandate

The *Legal Profession Act* directs the Law Foundation to distribute these funds in five areas:

Legal aid;
Legal education;
Law reform;
Legal research, and
Law libraries

The Foundation recognizes that while its objects are legal in nature, the income is to be allocated to programs that will benefit the general public of BC. The Program Objectives of Legal Education are: "To promote legal education programs and services in British Columbia to make the law more accessible through:

(a) increasing public awareness of the law and justice system;
(b) providing education to groups with particular legal needs; and
(c) assisting in the academic and professional development of those providing legal services to ensure these services are of the highest quality.

Funding Activities

The Law Foundation provides funding for a wide variety of PLEI projects and ongoing programs. Continuing grant support is provided to the following organizations:

- Canadian Bar Association (BC Branch) – Dial-a-Law and Lawyer Referral Services and Law Week - $245,600
- LCES (Northern Native Program) - $60,800
- People's Law School (Operating funds) - $262,400
- Legal Services Society (POVNET operating funds) - $55,000

- End Legislated Poverty (FLAWline operating) - $19,500
- Debate and Speech Association of BC (Law Foundation Cup) - $14,300

Project grant support is set on an annual basis, and is dependent on the Law Foundation's fiscal capacity since most of the funding is dedicated to core funding. In 2000, for example, Governors were able to provide approximately $9 million for 90 new projects across the province. The range of topics for these grants reflected, in part, a decision by the Governors during 2000 to encourage applications in certain subject areas (aboriginal justice, seniors, family law, other access to justice initiatives), and that also reflected the geographic and cultural diversity of the province.

In 2001, $3 million was allocated to 17 one-time projects. A significant portion of this grant making resulted in multi-year demonstration work in key areas such as professional legal education, the rights of people with disabilities, poverty law and human rights, court interpretation services, violence against women, cultural diversity, alternative justice systems and the rights of aboriginal women and children.

The rapid decline in interest rates over the past couple of years has meant a reduced capacity to respond to project funding requests. In 2002, the Law Foundation approved $320,873 for 13 projects.

The Law Foundation also supports the PLEI sector in providing core funding for groups whose primary purpose is legal aid, who also have PLEI as a secondary objective. For example, a core grant of $105,400 is approved towards an overall budget of $300,000 per year for the Nelson Advocacy Centre for the community based lay advocacy program. PLEI takes many forms: training workshops for other advices, classroom presentations to college and high school students, workshops for particular client groups e.g. low income people applying for disability benefits under income assistance legislation or unrepresented litigants in family court, written materials e.g. updates on new legislation. The Advocacy Centre estimates that, on average, approximately 25% of the time on the program is spent on various forms of PLEI. For example, in the present, when there are significant legislative changes affecting its client groups, program staff may be spending 50% of their time on PLEI, for concentrated periods of time.

Another example can be found in the $90,000 core grant to the Abbotsford Community Services Society and the Progressive Intercultural Community Services Society for two community based advocates. Both advocates provide services to agricultural seasonal workers throughout the Lower Mainland and the Fraser Valley and review and identify issues to improve the conditions of agricultural workers through legal education and law reform. ACS estimates that, approximately 25% of the Foundation funded advocates' time is spent on various forms of public legal education and information. This fluctuates from year to year and within years.

These examples illustrate the breadth of PLEI activity in the province. There is no inventory of this sector of PLEI service providers. This invisibility also means that this sector does not attract the kind of support and professional development it deserves.

2. Real Estate Foundation of BC

Organizational Profile

In August 1985, the British Columbia real estate industry, in co-operation with Consumer and Corporate Affairs, achieved legislation which established the Foundation as a non-profit association. Under the legislation, the Foundation, from "unassigned" trust deposits held by real estate agents, uses the funds for non-profit and charitable activities related to real estate and land use.

The purpose of the Foundation as set out under the *Real Estate Act* is:

"to undertake and carry out real estate public and professional education, real estate law reform, real estate research, and other real estate related works."

The fulfillment of these purposes is subject to guidelines established by the Foundation's Governors. The Foundation's mission is:

"To use its resources for the benefit of British Columbians by supporting efforts that improve all aspects of land use and real estate practices."

While there are parallel foundations across Canada in the legal field, the Real Estate Foundation of BC and the Alberta Real Estate Foundation are the only two of their kind in the country.

Mandate

The Real Estate Foundation enjoys wide latitude to interpret and execute its mandate set out in the *Real Estate Act*. Real property refers to the land and anything of a permanent nature such as structures, trees, mineral and the benefits, interests, and rights there-in; and access to, ownership and control (including regulation, planning, etc.) of real estate, broadly termed "land use" for the Foundation's purposes.

The four themes of the mandate are:

- Housing and Finance – focuses on initiatives that enhance the ability of non-profit organizations (including local governments) to provide a range of affordable housing options in their communities;
- Environment and Land Use – focuses on enabling better land use decision-making based on current, accurate information related to the natural environment
- Real Estate and Land Use Information for Communities – focuses on access to, and sharing of, land use information and expertise. The Foundation recognizes the important role that community organizations often play in bringing focus and solutions to local land use concerns.
- Real Estate Industry Excellence – focuses on professional education and research that enhances consumer protection and enables better land use decision-making. Sharing real estate and land use expertise with practitioner and public audiences is a priority.

Another significant area of involvement is the Land Centre, an internet clearinghouse providing instant access to information about real estate and land use.

Funding Activities

The Real Estate Foundation provides both project and endowment grants. Project funding is granted to help an organization attain completion of an endeavour in a specific time period – preferably less than two years. The following categorization of PLEI was used for this grant making analysis: awareness building of legal context (e.g. statutory, regulatory, policy, bylaws); addressing governance in general (i.e. a legal context to the project); education for specific regulations, policies or by-laws; and law reform for a specific regulation of by-law.

In 2001, $492,006 was allocated to 29 public legal education grants which represents approximately 18% of the total grants allocated. A similar ratio is likely to emerge for 2002 where, to date, $866,515 has been dedicate to 34 public legal education project grants.

3. Notary Foundation of BC

Organizational Profile

In 1985, the provincial government amended the *Notaries Act*, SBC Chapter 23, to create The Notary Foundation. This non-profit organization receives interest earned on the general trust funds held by members of The Society of Notaries Public of BC.

The Notary Foundation receives and distributes over $1 million each year. Most of the money is paid to LSS, specifically to provide legal aid in the province. In addition, the Notary Foundation makes funds available to The Society of Notaries Public of BC to assist them in the education of members, applicants for membership, and the general public.

Mandate

The Notary Foundation is mandate to provide funding to other BC organizations in the following areas: legal research; legal education; and law libraries. In addition, the Notary Foundation funds two Scholarships and two Bursaries each year for individuals attending UBC.

More specifically, funds received by the Notary Foundation are to be disbursed as follows:

- 50% to be paid to LSS. Up to an additional 5% is to be allocated from the Special Fund dependent upon the Fund balance and the requirements within the Notaries Act
- 5% to be paid to the Special Fund which is administered by the Society of Notaries Public of BC. The maximum amount that can be paid to the Special Fund is $20,000. Any excess amounts are to be allocated to LSS.
- 10% is to be used for legal education, legal research and the establishing, operating and maintaining of law libraries;
- 35% to be used for education and continuing education of notaries and notarial applicants and salary and administrative expenses.

Funding Activities

In 2001, the Notary Foundation approved a total of $282,190 in legal education grants to 12 organizations. Many of the project recipients also receive Law Foundation funding support. In 2002, a total of $163,268 has been approved to date to 11 organizations.

4. Department of Justice

I wish to acknowledge the assistance of Barbara Stewart, Senior Program Analyst, Innovations, Analysis and Integration, Department of Justice in the presentation of this information.

Organizational Profile/Mandate

The DOJ's Strategic Plan for 2001-2005 notes that the DOJ will strive to make the justice system relevant, accessible, and responsive to the needs of Canadians and will provide effective stewardship of that system. Renewing the department's public consultation and citizen engagement strategy, expediting the plain language efforts to use plain language for legislation and regulations and strengthening the PLEI program were noted as some examples of how to get there.

Justice Canada undertakes a variety of PLEI activities in support of its mandate. This includes:

- Annual funding to one organization in each province to undertake PLEI activities in areas of priority for that province;
- Providing grants to a variety of PLEI organizations and other non government organizations to undertake specific PLEI projects;
- Funding to organizations through special initiatives programs to provide PLEI services in support of the program initiative objective.

PLEI activities include printed material, workshops, face-to-face information exchange, school programs and web-based information.

PLEI is aimed at:

- People working within the legal system (police, court workers, etc.) to help these professionals gain a better understanding of people's needs when accessing the justice system (e.g. accessibility needs for people with disabilities, victims needs, cultural diversity issues).
- The general public, with specific emphasis on those most in need (e.g. low-income, new immigrants/refugees, aboriginal people, other minority groups)

DOJ held a year long consultation process to examine ways in which the current PLEI program could be strengthened in order to respond to the emerging changes in the justice system as described by a variety of stakeholders. The document, produced by DOJ in December 2001, is called "What Was Heard: Towards Public Legal Education and Information Program Renewal – A Report on Discussion".

Funding Information for BC

The DOJ provides $85,000 annually in core funding to People's Law School.

PLEI organizations in BC also recently received project funding as follows:

Program: Family, Children and Youth – FY 2001/02 - $57,257; FY 200203 - $95,100 (The Justice Institute of BC; LSS: LCES)

Youth Justice Renewal Fund – FY 2001/02 - $235,308; FY 2002/03 - $196,160 (People's Law School; LCES)

Justice Partnership and Innovation Fund – FY 2001/02 - $112,483; FY 2002/03 - $33,656
(PLS; LCES; Justice Institute of BC; Stuart Lake Community Services Society; Victims Services Division, MAG)

PLEI funding is also available through the National Crime Prevention Centre. Funding was disbursed to 27 different organizations in BC: FY 2001/02 - $666,854; FY 2002/03 - $400,921.

Chapter D

DESCRIPTION AND ANALYSIS OF UNNECESSARY AND/OR INEFFECTIVE PLEI ACTIVITIES

Deliverable: Description and analysis of unnecessary and/or ineffective PLEI activities related to the justice system and their delivery in the province.

There are a wide variety of organizations involved in funding or delivering PLEI. An obvious concern that arises when there are several players in a particular field is that of overlaps in services and inefficient use of resources. At least three Reviews have directly addressed this concern.

- In the 1984 *Report to the Attorney General by the Task Force on Public Legal Services in British Columbia* at page 36:

> *"It has already been noted that a broad spectrum of agencies are active in the provision of these services (prevention, self help, legal information) for an equally broad range of public, private and mixed public and private purposes.* ***While it is in the interest of all concerned that unnecessary duplication of services be identified and lessened where it exists, this should not be at the expense of a proper reflection of the differing objectives that justify public support.*** *Thus there is a legitimate continuing role for the public education system, the MAG, the police, the courts and other provincial and federal government agencies in the provision of funding for these services and provision of these services directly in appropriate circumstances. Similarly, private agencies active in the provision of these services through their own resources should not be restricted."*

- In the 1990 Peat Marwick Stevenson & Kellogg *Project Report: Public Legal Education Review* at page 64:

> *"Based on mandates and stated rationale, there is potential for overlapping service reaching the same targeted groups offered by the many players in the PLEI field.* ***However, closer examination of actual operations indicates that major overlaps do not currently exist. It is the style of service delivery which is diverse and serves to distinguish the PLEI organizations and their services. Furthermore, ongoing interaction among the groups acts to reduce actual overlaps."***

And at page 72:

> *"We agree that the diversity of groups involved in PLE at the present time is a good thing.....we also believe that the different service models....are an effective manner of reaching different segments of the population. Subsuming all PLE delivery into one body would lead over time (or possibly immediately) to the service models becoming less distinct (more homogeneous). We feel diversity in approach, when addressing changing target populations whose needs will never be comprehended in a static fashion, is a sine quo non for effective provision of PLE services.....We there fore conclude that the diversity of organizations in PLE in BC is one of the strengths of the current situation. It does, however, present a difficult management issue: ensuring that cost-effective uses are made of resources, and that funders establish clear accountability roles for themselves."*

- In 1997, the following question was posed in *Program Review: The People's Law School*: "What overlap or duplication are you aware of between the People's Law School and (the) other groups?" The answer follows at page 27 of this review:

> *"Informants expressed strong feelings about this question, which is perhaps reflective of the current situation of change and re-structuring within the province and the resulting reduced funding for many of them. Several informants spoke to the interviewer with some degree of exasperation about the number of times they had been asked this questions by various funders and government representatives.*
>
> *Over half of the responses described complementary overlap in the delivery of PLEI in BC and they saw this as enhancing service delivery. Just under half felt that there was no overlap at all. Some saw complementary overlap between the materials of different community-based agencies, others specifically mentioned the three major sole PLEI providers – Legal Services Society, the Law Courts Education Society and People's Law School."*

I conclude from these prior reviews that, in the words of one respondent in the People' Law School Report, there are far more gaps in PLEI service delivery in this province than overlaps.

A related issue that has arisen in the past is whether or there should be an amalgamation or merger of any of the three sole purpose PLEI providers. This question was also posed in the 1997 Ellis Report. There was no support for this idea from the providers, from colleagues, from funders or observer/experts. On the other hand, the Report did emphasize to PLS the common thread running through all PLEI reviews conducted in the past 18 years:

> *"...there is support for more co-ordination of PLEI service delivery between LSS, PLS and LCES. Take a leadership role in planning a series of meetings (forum, roundtable?) with your two major sole purpose PLEI provider/partners – Legal Services Society and Law Courts Education Society. They too are struggling with funding cuts, work overload and pressures from funders,* ***but they too know that some discussion should be taking place about ways to co-ordinate PLEI planning between the organizations. Some of this already goes on at a smaller project level, but there is a need for something more comprehensive to occur.***
>
> *The key will be finding a safe, non-competitive way to bring all three organizations to the table with their analysis and strengths. For a variety of reasons, there is a leadership vacuum here..."* (pages 6-7)

In the time frame for this Review, I have focused on practical recommendations for bringing the players together in a meaningful setting, and building the capacity for some "staying power" to collaborative discussions. There are undoubtedly examples of duplication in the PLEI community but the issue did not jump out at me as being significant, and I do not believe that such an analysis is a useful starting point for trying to get the players to communicate regularly with each other again.

Chapter E

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Introduction

This section responds to the following Deliverables:

- *Discussion of the relationship of PLEI to the Ministry Service Plan and Objectives*
- *Discussion of the relationship of PLEI to potential reforms in the Justice Review Task Force paper "Exploring Fundamental Change" such as those related to family law and unrepresented litigants*
- *Recommendations to the Ministry of Attorney General (MAG) regarding the funding and delivery of Public Legal Education and Information (PLEI) activities in the future, as well as a framework for the Ministry's role in PLEI activities to ensure greater efficiency, effectiveness, relevancy and accountability, with particular reference to the co-ordination of activities with Legal Services Society as it relates to PLEI.*

The MAG is posing legitimate and challenging questions to PLEI service providers and funders through this review. What are the players in the PLEI world in BC doing? Where are they going with their programs? The justice system is evolving – what are the players doing to ensure that they are being responsive and relevant?

BC is very fortunate to have a variety of PLEI service providers who have significant history and expertise in this area. Many of the individuals and programs have received national and international recognition. The recommendations that are put forward in this review are intended to build on the positive assets that already exist in this province. These assets also include numerous groups who deliver PLEI services at the local level, and who have taken a long time to build relationships of trust in their communities.

There is a need to develop a vision of PLEI services in the province, and to create a mechanism for co-ordination which acknowledges and values the different levels of PLEI needs, and the different levels on which players could co-operate. Both the players and the MAG – and most importantly, the public – would benefit from such a development.

Framework of Analysis

I held meetings/consultations with the following organizations: Legal Services Society (LSS), Law Students' Legal Advice Program (LSLAP), UVic Clinical Law Centre, Law Courts Education Society (LCES), People's Law School (PLS), Canadian Bar Association (BC Branch), Centre for Education, Law and Society (CELS) at SFU, Law Foundation of BC, The Real Estate Foundation, the Notary Foundation, as well as with representatives from the Ministry of Attorney General (MAG) in BC, the Supreme Court of BC, and the federal Department of Justice (DOJ). I have benefited from the commentary and expertise of players outside of BC, including Tsvi Lobo, Executive Director, Ontario Justice Education Network (OJEN); Lois Gander, Legal Resource Centre, University of Alberta; Jennifer Paterson, Education Coordinator, Alberta Department of Justice; and Owen Snider, Barbara Palace, and Mary Brown, the Executive Directors of the Law Foundations of Alberta, Manitoba and Ontario respectively.

I also reviewed the findings of numerous prior reviews of PLEI, and offer an analysis as to why critical recommendations, particularly the ones related to coordination were not implemented. I have put forward basic propositions underlying the current review, and discussed how the concept of coordination applies at several different levels in the PLEI world in BC: between the federal and provincial government; inside the MAG and among ministries; between the MAG and LSS; between LSS and community players; and among PLEI funders. Finally, I discuss a model of a PLEI Network, and a possible role for the BC Justice Review Task Force.

A. Lessons from the Past

During the past 15 years, at least 8 different reports have made recommendations with respect to the funding and delivery of PLEI activities in the province:

- Report to the Attorney General by the Task Force on Public Legal Services in BC, [illegible]
- Access to Justice, Report of the Justice Reform Committee, 1988
- People and the Law – A Blueprint for PLE Service – Canadian Legal Information Centre – 1988
- Project Report: Public Legal Education Review, Peat Marwick Stevenson & Kellogg, 1990
- Legal Information Access Study, Canadian Legal Information Centre, 1992
- Public Legal Education and Information Review – Prepared for the Communications and Education Branch, Ministry of Attorney General, 1993
- Program Review, The People's Law School, 1997
- Ministry of Attorney General – Public Legal Education and Information Review, 1997

Note: First, please note that this is not a complete list of PLEI reviews. The complete list can be found in Chapter [illegible] – Bibliography. For ease of reference, I will refer to the above reports as follows: the 1988 Report, the 1990 Report, etc.

Some of the recommendations in these reports have been implemented, but most have not. Although it is important to be forward looking in the current review, I think it is also important to understand why recommendations in previous reports were not successfully implemented. I have come to the following conclusions:

(a) There has been a lack of a coherent, systematic and shared understanding among the players of the purposes of delivering PLEI services.

(b) There has been a lack of a coherent and shared philosophy/objectives regarding PLEI service delivery from government.

(c) Baseline information (e.g. a needs assessment of PLEI) was not systematically available or utilized by all of the players, thus preventing "big picture" analyses by the funders, including government.

(d) The commitment to collaborate and co-ordinate activities more effectively was undertaken on a voluntary basis by each of the players; after the initial stage of energy and enthusiasm, factors such as meeting burnout and fatigue emerged.

(e) There has been a leadership vacuum in the PLEI sector due to the nature of the relationships between the major service providers, and the inability of any other major player to find sufficient resources and time to systematically dedicate to this particular leadership role, given individual overwhelming mandates.

Some of the recommendations in this review may echo those of the previous [illegible] reports. I will note when that occurs. I do not believe that the methodology and conclusions of the previous reports were inherently flawed. Some of those recommendations are dated in the sense there has been a significant maturation in the PLEI sector which has only a [illegible] year history in Canada. For those recommendations that still have vitality, it is my view that the mechanisms for implementing the recommendations need to be carefully thought out this time, and with a view to addressing the above noted obstacles, in order to avoid having [illegible] review experience a similar fate.

It is also important to encourage all PLEI players to participate in a non-threatening forum, so that the focus of meetings is not the protection of their programs, but rather the identification of common goals, determination of gaps and clarity on roles in service delivery. In order to fully engage the PLEI service providers in the province, it is important to celebrate their strengths as well as to nurture common directions.

B. Funding and Delivery of PLEI Services – Basic Propositions

1. Creating a mechanism(s) to better ensure the most effective delivery of PLEI services and to rationalize funding is the only responsible response to the challenges currently associated with access to justice in the province.
2. PLEI is an access to justice tool, working along side other tools and operating within a sphere of options and choices to achieve access to justice objectives.
3. The need for diversity in the delivery of PLEI services is critical, not only for the reasons noted in the [illegible] reports cited above but also because of the importance of diversity in approach to the most vulnerable groups in society, including the very poor, cultural minorities and aboriginal communities.
4. Concerns about centralization in government, and a related fear of a loss of community based approaches and of autonomy, remain as strong today as in the past reports.
5. Government commitment to PLEI should be a major responsibility, and the delivery of PLEI services a shared responsibility with non-governmental organizations.

C. Efficiency, Effectiveness, Relevance and Accountability

The key point is co-ordination in the delivery and funding of PLEI services in order to ensure efficiency, effectiveness, relevance and accountability. Co-ordination can and should occur at many levels. The other key aspect is leadership. The question, however, is not whether a leadership role is needed to motivate the PLEI players, but rather what the leadership will look like. There is a need to balance and meet the interests of the institutional and community based players and funders so that, in the end, the public's interests are better served.

1. Between the federal and provincial governments

The need and value of having a national dialogue and "blueprint" for Canadian PLEI services was first documented in the 1988 report produced by the Canadian Legal Information Council. Why have such a blueprint?

- A catalyst to encourage PLEI service providers to examine their activities and place them within a national context
- A guide to help PLEI funders reflect on the services currently available
- A template for PLEI service providers and funders to use in their efforts to rationalize and make available the type of PLEI activities that should exist in their jurisdictions
- A way to encourage institutions, agencies and organizations who provide information on the law as one of their services, to recognize their PLEI role and place themselves within the PLEI context

"At a time when more is demanded of our legal system, it is important to provide a shared national context for our public legal education (PLE) efforts. If we can discuss and agree on the broadest possible guidelines for its direction and descriptions, then ple can assume its indispensable role in our legal system."

"Too often ple has been narrowly defined to include organizations that concentrate their efforts on providing ple services. A shared national PLE context will provide ple with the national identity it needs. It will define, describe and include the activities of legal, social and community services that provide access to information on the law. A recognized national ple context will clearly show the influence and importance of the active participation by governments at all levels, the legal profession and the media in Canada's public legal education services." (page 4 "People and Law – A Blueprint for PLE Service – Canadian Law Information Council – 1988)

More recently, in 2002, the Department of Justice (DOJ) has resurrected the "blueprint" concept originally advanced by the Canadian Law Information Council. Terry de March, Director, Analysis and Integration Directorate, Programs Branch, DOJ ,has developed an Access to Justice Policy Model in order "to provide a framework for program decision-making" and "to provide context for a new PLEI vision." Developing a conceptually based PLEI model on the national level mirrors work that is being done at this level in other areas such as crime prevention and youth justice.

The major proposition is that PLEI is an access to justice tool, working along side other tools and operating within a sphere of options and choices to achieve access to justice objectives. The principle being advanced is that "Canadians will receive the legal information and services they require to successfully interact with, and within, an accessible, transparent and equitable justice system." To achieve this principle of access to justice, attention and resources must be channelled to individuals and communities who experience greater vulnerability to justice system exclusion.

In this model, where resources are available and decisions have to be made between competing worthwhile access to justice activities, the resources will, generally, be *applied where the need is determined to be the greatest on the basis of vulnerability to* justice system exclusion. In de March's "hierarchy of vulnerability", the context for the allocation of resources is as follows:

- General Public: issue specific needs – Family Violence, Victims, Crime Prevention
- Specific barriers and challenges – Native Canadians, disabled persons, elderly people, new Canadians, minority languages
- Specific economic challenges – self-represented and the working poor
- Most economically disadvantaged – legal aid realm

An analysis of gaps follows the analysis of needs. Following a determination of the gaps in the Access to Justice realm is a consideration of the Access to Justice tools available to fill the gaps. Finally, in this model, following the selection of the appropriate tool to fill the identified gaps in relation to needs, appropriate activities must be selected.
(Appendix E - Making Choices: An Access to Justice Policy Model, Department of Justice)

PLEI stakeholders in BC agreed that there are many advantages to a national strategy for funding PLEI work and agreement upon the focus of PLEI work in the country. Whether or not the DOJ model is adopted by all of the players in its entirety does not detract from the positive features of moving in this direction. Further, there has never been a formal relationship between the DOJ and the British Columbia government in the area of PLEI. Most players saw great benefit to taking steps to formalize the relationship, if only to stay more current with the numerous initiatives in DOJ grant making and to generally increase the profile of PLEI.

The disadvantages of the approach are that, as with all federal/provincial initiatives, there is the potential for getting bogged down. With new political "winds of change", priorities with governments change. Some players also expressed concern that service providers could be increasingly "driven by DOJ agendas." Specific concerns with respect to the labelling of PLEI as an access to justice tool were that it was important not to lose sight that access involves two separate issues: legal representation (being able to access the various channels in the justice system to resolve disputes) and PLEI (knowing when to contact a lawyer or other justice system problem solver in order to make wise decisions about your life).

An alternative view is that PLEI is part of the continuum of legal aid services that can be provided to the public. This is not the "either/or" approach but rather a recognition of the integrated nature of legal aid and PLEI delivery of services.

Recommendations

(a) The DOJ is interested in further discussions with provincial governments with a view to more systematically approaching the funding and service delivery of PLEI services across the country. Jerry McHale, Assistant Deputy Minister, Justice Services Branch, MAG has already expressed his interest in this level of co-ordination;

(b) There is interest in the Access to Justice model for PLEI funding by major Law Foundations including British Columbia, Alberta, Ontario and Manitoba. There would be a willingness to put this topic of PLEI coordination on the agenda of their next gathering which takes place in Seattle, Washington in late January 2003 (mid-year meeting of IOLTA (Interest on Lawyers' Trust Accounts) organizations in the USA and Canada). Alternatively, or as well, it could be on the agenda of the next meeting of the Association of Canadian Law Foundations to be held in Montreal in mid-August. The ACLF meeting typically has a more representative Canadian attendance than the IOLTA meeting.

2. Inside the Ministry of Attorney General and among Ministries

The MAG does not have a statutory mandate to deliver or fund PLEI initiatives. It has an implied obligation in its mandate to ensure that the public understands its laws. Specific goals include providing information about Ministry services to the public; educating people about law, legal procedures and the court process; and making the law more accessible to the public.

The encouragement to the MAG to clarify its mandate in the area of PLEI has been thoroughly documented in the 1990 and 1993 Reports. In particular, the concerns were that:

(a) Given the complexity of MAG PLEI activities and the fact that the Ministry is only one of many PLEI players in BC, a clear ministry mandate should be developed and formally adopted;

(b) Policies should be established and/or procedures regarding the development, co-ordination and evaluation of all ministry PLEI services (Solicitor General, Ministry of Education, etc.).

From the 1990 Report (page 78): "For the Attorney General, in particular, we recommend that the ministry establish a clear mandate internally for its involvement in public legal education. Only from such a basis can Ministry personnel begin to address issues such as priorities for funding and improved accountability with funded organizations."

Addressing these concerns would assist the Ministry's branches, as well as the community agencies it deals with, on how best to deliver PLEI services as part of the Ministry's corporate agenda. The clarification of funding guidelines and evaluation policies will also enable the Ministry to be more decisive about what services it should provide and what services are best developed and/or delivered by the various PLEI agencies, community agencies and other levels of government.

I reviewed the MAG's current Service Plan and found references to PLEI to be scant and general. (pages 1, 2 and 6). The Service Plan does not appear to be easily accessible and understood by some PLEI players. It should equally be noted, however, that significant work is being done by the MAG in the area of PLEI, notwithstanding the absence of specific language. Some would further argue that there are potential downsides to giving PLEI a higher profile in government, as it then becomes one more program that needs to be defended should future budget cutbacks need to be considered. The counterargument is that government should demonstrate and be able to defend PLEI funding and programming, if PLEI is intended to be a significant access to justice tool which has impact.

Consistent feedback from PLEI service providers and funders was that it would be very beneficial if the MAG was clear on its mandate – its objectives in PLEI and criteria for the allocations of PLEI funding in the service plan, and long-term strategic plans. Players also indicated that there would be value in seeing that senior management and senior Ministry levels demonstrate "buy-in" to a more visible and focused PLEI presence in the MAG, as well as in other ministries involved in PLEI services and funding. The corollary was the suggestion that responsibility for PLEI management in the MAG should be assigned – "Don't bounce it around. PLEI needs to find a home and need to become a significant portion of some one's job"- said one player.

A third aspect to co-ordination is the formation of an intra-ministry committee, or some form of mechanism for sharing information on PLEI services and funding as among key ministries (such as Solicitor General, Ministry of Community, Aboriginal and Women's Services, and the Ministry of Education). Again, from the PLEI service providers' and funders' perspective, the relationships among these key ministries, in terms of their mandate and funding responsibilities in PLEI, should be clarified. There is an acknowledged need to collect data on PLEI programs throughout the relevant ministries and to increase awareness of the amount of funding dedicated to these programs. Several players expressed frustration with the fact that, during the course of this Review, they were asked to share information about their PLEI work and funding, but the MAG has not made comparable information available to them.

There is frustration when service providers feel that they are dealing with "bureaucrats who come and go, who have no experience in either law or public legal education and no commitment to the concept or goals of either. This, coupled with reduced funding from all sources, has demoralized those still in the field." (Wanda Cassidy, "Law-Related Education: Promoting Awareness, Participation and Action", Weaving Connections: Educating for Peace, Social and Environmental Justice, Edited by Tara Goldstein and David Selby, Sumach Press, 2000)

Finally, a fourth aspect of coordination is that the MAG may want to consider having PLEI advisory groups. A court based advisory committee could be composed of groups such as court personnel, crown counsel, PLS, LCES and LSS. Other advisory groups could be struck for PLEI issues relating to tribunals. (The concept of working groups or networks among the players is discussed in more detail later in this paper.)

The advantages of pursuing any of these options are that the MAG would be properly assuming its responsibility to ensure that the PLEI programs it funds are carried out in an efficient and cost-effective manner. The disadvantage is that if the only PLEI coordination initiative to emerge from this review is housed in the MAG, it would likely not be well received by the other stakeholders and players, and thus attempts to ensure better co-ordination and collaboration among the players could falter.

Recommendations

(a) The 1993 Craig Report puts forward comprehensive suggestions for a MAG definition of PLEI; a Ministry PLEI Mission Statement; a PLEI Unit Mandate; PLEI Unit Priorities; Branch/Agency PLEI Programming and Coordinating; and a Ministry PLEI Coordinating Committee. All of these suggestions could be explored with a view to testing their utility and applicability for 2003;

(b) Creation of a PLEI Coordinator Position within the MAG – This could model the creation of such a position within the Alberta Justice Department, following a recommendation of the Alberta Summit on Justice (1999): " …to improve the public's knowledge, education and awareness of the justice system in Alberta." One of the strategies adopted was to create the position of Education Coordinator.

The coordinator first developed a public legal education data base. The Coordinator's primary duties are to assist the ministries of Justice and Solicitor General in improving Albertans' knowledge and understanding of the justice system by: working with the departments' partners and staff to find better ways of informing Albertans about the Alberta justice system; providing assistance to school and community mentoring programs related to justice; and helping determine how justice education can be improved through the development of new resources and other joint strategies. Long term joint strategies include working with the relevant ministries to enhance law-related curricula in schools; and establishing a PLE Advisory Committee to share information and to analyze existing gaps.

(c) That the MAG engage in the necessary work to gather data on PLEI programs in the relevant ministries, and share this information with major PLEI service providers and funders in a timely manner.

3. Between the Ministry of Attorney General and Legal Services Society

The recently revised *Legal Services Society Act* provides LSS with the statutory authority to embrace a more comprehensive look at PLEI services, with special emphasis on how PLEI can be integrated and be included in the "menu" of legal aid services for the public. PLEI now pervades everything that LSS does; for example, PLEI is very much tied into the delivery of family law services. LSS's target group is low income people but because disadvantaged groups tend to make up a large proportion of the low income population, the target group extends to aboriginal communities and culturally diverse communities. In addition, LSS believes that it can also be helpful, through its PLEI efforts, to assist middle income people who cannot afford lawyers (unrepresented litigants).

Relevant sections of the new legislation include:

Part 2 – Section 9 (2) (c) - "the society is to coordinate legal aid with other aspects of the justice system and with community services."

Part 2 – Section 9 (2) (d) – "the society is to be flexible and innovative in the manner in which it provides legal aid."

Part 2 – Section 10 (1) (g) – the society may "facilitate coordination among the different methods, and the different persons and other entities, by which legal aid is provided."

Part 2 – Section 11 (1) establishes that the society may provide legal aid by any methods that it considers appropriate, including: (c) "by assisting individuals representing themselves, including by providing them with summary advice, information packages, self-help kits and assistance in preparing documents; and (e) by providing public legal education and information.

The Memorandum of Understanding with the MAG is currently being negotiated. In the current draft, LSS and the Attorney General commit to working cooperatively to integrate their PLEI services to meet the education and information needs of low income individuals, and to enhance the Society's prospects for obtaining PLEI funding from other sources.

The Official Trustee, Jane Morley Q.C. and Executive Director Mark Benton advise me that the LSS PLEI vision is one that sees PLEI as a key part of the spectrum of services provided by LSS. The strategy will embrace other legal aid providers in the province including the UBC Law Students' Legal Advice Clinic; the UVic Law Clinical Centre Program; and the CBA/Law Society's Pro Bono Program. There is also a need and willingness to develop stronger links with the Law Foundation funded advocacy programs.

4. Between Legal Services Society and all community players

Just as there is a need for more co-ordination in the MAG with respect to PLEI, there is also a need for more co-ordination among the PLEI community players.

As outlined above, the recently amended *Legal Services Society Act* provides the statutory basis for LSS to assume a leadership role.

LSS is well positioned to take a leadership role. LSS defines leadership in the PLEI world as "meaningful collaboration where all of the voices or needed partners are at the table, given an opportunity to participate, and are able to work together to find solutions that work for the common good. Participants have a common purpose and are accountable to themselves and each other." The new *Legal Services Society Act* mandates a leadership responsibility in working with other PLEI based organizations in sharing experiences, knowledge and expertise and making available its technology infrastructure.

Community players indicated their support for LSS assuming this type of leadership profile. It is important that LSS not "own" the coordination process but there was substantial agreement that some one needs to "step up to the plate" and that it was critical that a funded vehicle be created to allow PLEI coordination to happen. Several community players were careful to point out that leadership should mean, at least in the initial stages, performing a secretariat role e.g. organizing meetings, preparing funding proposals, and generally responding to the Network's needs. The vast majority of players understood the vision – given the pressures on the justice system in BC, how can PLEI service providers determine effective and efficient roles in relationship to the justice system, to each other, to the public – and support each other throughout the process.

There was general agreement that LSS was well positioned to assume a leadership role on at least three initiatives: a PLEI community profile/needs assessment, a more consolidated approach to the distribution of materials; and the development of a coordinated approach to the creation of websites.

First, with respect to a PLEI needs assessment, the 1990 Report stated at page 75:

"If *we are candid, with limited budgets, not all worthwhile services can be provided. In order to rationally re-allocate funds, and to ensure that they are being directed into the most cost-effective channels, a systematic, formal and comprehensive priority-setting* *mechanism is required. Without this, there will be no confidence that major change will occur....*

There is a need for priority setting. Most ple organizations are governed by a board which is responsible for setting policy decisions. Most also indicated that they relied to varying degrees on their staff to assist them in the identification of service or funding priorities. Although there are regular forums for information exchange on each individual organization's initiatives, there is little in the way of actual priority setting that occurs between groups. At best, organizations discuss emerging issues and keep each other informed of their policies. This is not satisfactory. A more zero-based priority setting mechanism tied into a general needs analysis for the entire area is required."

In meetings with the players to date, there is "buy-in" on the need for a made in BC PLEI needs assessment. The Law Foundation has indicated a willingness to entertain a project application in 2003 from LSS inn accordance with the Law Foundation's funding criteria. Any such application would be strengthened by a collaborative approach. The ability to build on research elsewhere in Canada exists. In Alberta, the Legal Studies Program, Faculty of Extension, University of Alberta received $30,000 from the Alberta Law Foundation for a "Needs Assessment Synthesis Project." Approximately 50 PLEI needs assessments have been undertaken in the last 25 years. Although this body of work has been growing for some time, there is no central repository, no consolidation and no summary for the documents. This has contributed to an erratic development in understanding the public's need for legal information and inhibits the sharing and development of methodologies to determine those needs.

The Legal Studies Program will produce by mid 2003 a synthesis of the legal information needs studies that have been undertaken in Canada since 1975. On completion of the review, recommendations will be provided with respect to carrying on needs assessments in the future. Recommendations are expected to identify areas for continuing fruitful inquiry and appropriate methods for doing so.

BC should benefit from the Alberta analysis. However, most players indicated that the focus of any assessment in this province should be a community profile, rather than a needs assessment in the traditional sense. That kind of framework would be very useful. Against this factual backdrop, players could discuss the role of their organizations in meeting needs in specific areas of law. For example, LCES has the space, connections and mandate to address the need to provide information about court functions to unrepresented litigants in family law matters, but LSS has a role to play in creating the substantive materials and services that would be needed by these litigants.

Another compelling rationale for a needs assessment/community profile is the fact that there are many PLEI players in BC who are invisible because they do not show up on anybody's list of PLEI service providers because public legal education is typically a secondary purpose in these organizations. For example, both the Nelson Advocacy Program and the Progressive Intercultural Community Services Society are listed in the Law Foundation's Annual Report as grantees whose work is classified as legal aid, since legal aid is the major thrust of their work. However, these organizations also provide very valuable PLEI services to their clients. There has never been an accurate inventory done of all of these "invisible" PLEI players. Being invisible means that they do not attract support or capacity building.

Second, because LSS has a long history of the production, distribution and funding of PLEI materials, it is well positioned to adopt a clearinghouse approach. A more consolidated approach would improve the efficiency of the PLEI system overall. Currently, consumers of PLEI do not have one place to go to in order to obtain the materials they need; several organizations must be approached. Such a clearinghouse approach would also serve as a starting place for organizations about to embark on production of new materials. An examination of existing materials would minimize the potential for duplication and would allow groups to investigate "lessons learned" from publications on similar issues or target groups, and thus improve overall effectiveness. Taking this idea a step further, an online clearing house of PLEI publications is currently under discussion in Ontario.

With respect to website development, several players indicated that they would value LSS leadership in this area. LSS has a track record in the creation of online information sites including the highly successful POVNET, the Family Law website and their ELL (Electronic Law Library) website. Since there is also potential for duplication in the development of government websites, it would be helpful if LSS and government had a working relationship.

The advantages of LSS taking a leadership position in PLEI coordination is that there is history, a track record and an overall willingness by the players to let LSS play that role. There was good reason for the merger of the Legal Aid Society and the Legal Services Commission (which included PLEI in its functions) in 1979; the combination of legal aid and PLEI services was deemed to be the most efficient and effective way of serving the public.

The disadvantages of LSS taking a leadership position are that the organization is much diminished in its capacity to offer PLEI services and no longer has the capacity to provide small grants. Some argue that with the dismantling of the community and native community law offices, the organization no longer has pipelines to the communities. LSS estimates that, through the cutback process of this year, it has lost $4 million in PLEI services provided by staff lawyers, paralegals and intake workers. These were provided to clients and through LSS led community initiatives.

On balance, LSS is the best place in this province to institutionalize a PLEI co-ordination mechanism. This is what makes sense both in terms of the history and experience of LSS in this area, and in terms of the strategic planning of the new LSS. From the community players' perspective, housing a PLEI coordination mechanism within an existing organization is a more efficient alternative to trying to secure funding for a new non-profit organization created only for that purpose. That option, of course, remains open for discussion among the PLEI players.

Recommendations

LSS to submit a PLEI community profile/needs assessment to the Law Foundation of BC, in collaboration with other key players; and to convene meetings of the players for the purposes of information sharing and pro-active planning.

See discussion of PLEI Network

5. Among PLEI funders

In addition to the DOJ and provincial government ministries including the MAG, the Solicitor General, the Ministry of Education, and the Ministry of Community and Aboriginal Services, there are three foundations in BC which have a statutory mandate to fund in the area of legal education: The Law Foundation of British Columbia; The Real Estate Foundation; and the Notary Foundation. In terms of overall social justice funding, the Vancouver Foundation could also be included in this group.

At present, the coordination among the funders is primarily based on individual phone calls with respect to specific grant applicants or programs. In the past few months, the Law Foundation has demonstrated significant leadership in this area. The Law Foundation has facilitated meetings between the MAG and DOJ, and has indicated a willingness to organize a meeting of PLEI funders. Up to 2000, PLEI funders had been meeting regularly for approximately 10 years. The feedback from the players who attended these meetings is that, while these meetings were very useful in terms of becoming acquainted with one's colleagues and the general thrust of each other's programs, the meetings lacked any meaningful collaboration and co-ordination. Meetings were "after the fact" events, rather than involving any kind of proactive needs assessment and joint funding initiatives. As one player stated to me, "I'm too busy to give up my time right now to go to yet another meeting where all we do is report to each other on what we are doing. I will go to meetings if I have a sense of moving forward on specific topics." Just as funders are asking for meaningful collaboration among funded groups, PLEI service providers believe it is appropriate to ask for more meaningful collaboration among the funders.

From the MAG's perspective, the fundamental question remains: Are "legal education" dollars being expended in an optimal manner? Funders must recognize their responsibility to ensure that PLEI needs are correctly identified. A more systematic, comprehensive and regular approach to the assessment of the need for PLEI services would assist both funders and deliverers to prioritize their initiatives and apply resources to initiatives in proportion to the need for them.

There is very good work being done by all of the PLEI funders. However, there are no agreed-upon common goals or direction either among the funders in BC, or among, for example, the Law Foundations across Canada. Applications tend to be assessed by all the funders on the individual merits, some funders being better able than others to also incorporate a broader social justice analysis. The Law Foundation, The Real Estate Foundation and the Notary Foundation all concur that a "big picture" approach would assist in their work.

The Law Foundation is taking steps in a constructive direction through the creation of a "Diversity Profile" of the province. Information is divided into four regions: Lower Mainland/Southwest, Vancouver Island, North and the Interior. Each region is further sub-divided into 28 regional districts. The profile includes information in the following categories: total population; land area; gender; age; marital status; ethnicity/race; immigrants; diversity of home language; education; income; dependency on safety net; employment; disabilities; religions. This is an important "environmental scan." For the purposes of creating baseline PLEI information for funders, I could also see utility in "mapping" the following: LSS offices, Law Foundation funded advocacy groups, Native

Courtworker and Counselling Association offices, and other community organizations that provide PLEI services.

There is another major area of work for funders to consider – their accountability to the groups they fund. Most not for profit organizations have multiple funding sources; for example, PLS has 9 different funders. The preparation of reports and the nurturing of the relationships with all of these funders is administratively very time consuming. Funders could perform a great service to the community if they were able to collaborate among themselves as to the development of common requirements of their application processes and reporting requirements. For example, if a funder is considering revising its application forms, there would be a great benefit in working through and sharing this process with other funders who receive PLEI funding requests. From the perspective of funded groups, a more efficient approach by the funders would be greatly appreciated and thus would increase the efficiency of the work of the funded groups – an attribute much sought after by all funders. Having worked on "both sides of the fence" – approving funding proposals and preparing funding proposals – I can state with confidence that there is room for significant reform in this area.

There are numerous advantages to the rejuvenation of meetings among the PLEI funders if they are structured properly. The foundations guard their autonomy with vigour and their independence from government is greatly valued by the public who want funders to be counterpoints to government. The disadvantage is that PLEI funders meeting and acting alone is a partial solution – not only is a big picture analysis still lacking, but exclusion of other players could increase concerns about open and frank communication, particularly among PLEI service providers who are already nervously looking over their shoulders in the expectation of further grant reductions. The big picture analysis suggests the need for a long-term, inclusive vehicle for communication.

Recommendations

(a) Meetings of the funders spearheaded by the Law Foundation of BC, with consideration given to the feedback from the players and the analysis offered above

(b) See discussion of PLEI Network

6. Creation of a PLEI Network of all Players

Another option is to ensure the creation of a network of all PLEI funders, service providers and stakeholders through a network analogous to that of the Ontario Justice Network (OJEN). The model would clearly need to be adapted to the BC environment but the conceptual basis and mode of operation is worthy of analysis.

The creation of a PLEI network would be an elaboration and formalization of the type of inter-agency cooperation which flourished in the early 90's in BC. (Public Legal Information and Education Funders Group; Court Services Legal Literature Committee; Law 12 Advisory Group; Canadian Bar Association, PLE Committee; Law Week Committee; Multicultural Legal Education Committee; Law-Related Education Committee). The 90's groups met on a voluntary basis, and the "network" was resourced by in-kind contributions of staff time and meeting space, on a rotating basis among the players. As pointed out earlier, this voluntary effort eventually withered away.

OJEN received pilot project funding from the Law Foundation of Ontario to make a PLEI independent collaborative forum a reality. According to Mary Brown, Executive Director of the Ontario Law Foundation, the key was providing funding to support and hire an Executive Director: "Having a competent, committed, and experienced PLE person keeping it all together, following-up and following through is vital." Tavi Lobu, the Executive Director of OJEN advised me, " It is all about creating a collaborative culture of PLEI and having a plan." OJEN is composed of organizations and individuals with a common interest in public understanding of the justice system. It facilitates activities towards achieving a "dynamic, effective and inclusive justice system in a continually evolving society."

Through education and dialogue, OJEN seeks to assist the public to develop a meaningful understanding of the justice system – its principles, values and processes as well as the challenges it faces. The process of dialogue will reinforce the ongoing connections of the justice system with societal concerns and developments. Such activity is essential for the ongoing viability of our society and justice processes, particularly in this information age which can bring about shifting demands and often rapid societal change.

With a province wide network of organizations and individuals, OJEN supports the development of locally-based activity in all parts of the province with a particular focus on students and the strengthening of links between the justice and education communities. Via activities of its Network participants, OJEN also engages specific communities of interest and the general public.

Through internal and external liaison, OJEN helps ensure that:

- Network participants and others have access to current information regarding issues, research, programs and materials related to relevant justice system initiatives – creating formal and informal opportunities for collaboration and optimal use of resources.
- Students, teachers and other members of the public have access to resources, programs and materials to facilitate meaningful understanding and dialogue about the processes of the justice system.

OJEN developed out of a public legal education Task Force convened by the Chief Justices in Ontario, and was strongly supported by the Attorney General. The Task Force included a range of organizations and institutions linked to public education and the justice system. It conducted research via Legal Aid Ontario and Community Legal Education Ontario, addressing the existing level of public knowledge and perceptions of the law and legal system. The research also reviewed the current status of public legal education programs, particularly in Ontario but also across Canada. The two major initiatives arising out of the Task Force were a courtrooms and classrooms project; and the formation of an organization/network "to broaden the level of coordination, collaboration and participation in existing programs as well as enriching existing programs and planting the seeds for new ones."

OJEN evolved out of approximately 2 years of work done by the Task Force. It has been operating for six months. Subject to a successful review by the Law Foundation of Ontario, consideration will be given to providing core funding for the next three years.

The objectives of CJEN are to:

(a) Foster public understanding of the justice system and the challenges it faces;

(b) Support and encourage the values of a public, transparent and accessible justice system through research and education;

(c) Encourage dialogue between justice system participants and the public;

(d) Develop, co-ordinate or deliver public legal education information and programs to students and others.

CJEN is comprised of three components – the Network, the Working Board and the Standing Committees. The Network is similar to its predecessor, the Public Legal Education Task Force, and thus is comprised of representatives from the courts, Ministry of Attorney General, the Law Society, the Law Foundation, the Canadian Bar Association, the Ombudsman, and Legal Aid Ontario. It has an advisory role to CJEN's Board and Executive Director. It meets as a whole 2-3 times per year.

The working board membership reflects links to major areas of current organizational activity and public legal education providers. This board includes representatives from the courts and Attorney General as well, the Ministry of Education, the Law Foundation, the Teachers' Association, Legal Aid Ontario, and the Law Society. It is expected that the composition of the Board will be reviewed from time to time to ensure that evolving needs are addressed.

Finally, CJEN has four standing committees: Organization and Development; Education and Programs; Funding; and Communication. Membership is drawn from the Network and from communities.

The advantage of a network such as CJEN is that it pulls in all the players and establishes formal mechanisms for coordination – it enhances understanding of how the different PLEI models co-exist. Another advantage is that the network encourages role definition in a non-threatening forum – it recognized that PLEI players have differ things to offer, and there is an opportunity to build their capacity. The Executive Director of the Ontario Law Foundation states: "My observation is that the buy-in of various and diverse players such as the judiciary, the Attorney General, the Law Society, law firms, Ontario Bar Association, Legal Aid, Community Legal Education Ontario, Law Foundation of Ontario (particularly as a funder of this and many other PLE initiatives) et al and representatives of educational interests such as the Ministry of Education and teachers' associations has proven essential in developing CJEN as a potential networking powerhouse."

Critiques of CJEN include a concern that it is dominated by the "powerbrokers" and that community input is limited. It should be pointed out that CJEN participants do have many and, in some cases, strong links to various community groups, and the development of community links is something the Executive Director can do as part of the evolution of the organization.

On balance, however, an inescapable conclusion is that BC can benefit from the fact that another province has broken new ground in establishing a formalized PLEI network. Service providers and funders alike can decide what would work in BC and what would not be needed.

This concept of a PLEI network is favoured by the community players with whom I met or spoke – but it needs to be adequately funded, and the MAG needs to demonstrate its commitment to engagement with such a Network. A practical step by step approach to developing the network is also favoured by the players.

A made in BC PLEI coordination network would have two aspects: coordination within the MAG and related ministries, as discussed earlier, and coordination within the community. This balanced approach was seen to have merit by most community players.

Community players agreed, that of the options available, a coordination mechanism is best housed in LSS. The Network could report on its activities on a regular and ongoing basis to the BC Justice Review Task Force. Players saw two distinct advantages to having a relationship with the Task Force: first, the profile of PLEI would be elevated in the justice system and thus the area could attract more attention and resources; and second, players are unanimous that unfocussed good will to just try to have more meetings is not a useful recommendation at this time. The history of PLEI in this province suggests to the players that to report to and liaise with a body such as the Task Force will assist in keeping up the momentum to come to grips with topics requiring more coordination.

Given this potential relationship with the Task Force, players suggested the need for the Network to have a steering committee. It would be essential to include on this committee LSS and the MAG, with the understanding that the MAG representative was the PLEI Coordinator or, in any event, some one who was fully briefed on the PLEI funding profiles of the relevant ministries. Players also suggested that the steering committee include the Law Foundation of BC and the DOJ. The Law Foundation and DOJ would need to carefully consider, of course, where or not such a role was appropriate for them. It is worth pointing out that earlier studies have called for the formation of a committee comprised of LSS, the Law Foundation and the MAG "to coordinate their funding of legal information and education services so as to ensure the most effective and efficient application of funds." (1989 Report to the Attorney General)

There is the inevitable concern that the community voice is potentially missing, given the proposed composition of this steering committee. The response is that there is an expectation from the community organizations that the Law Foundation and LSS would consult with them and ensure that their views are represented, particularly in the development of the Network. Players also were clear in stating there was a need for dedicated management to occur if the goal is the creation of a long-term vehicle for communication. As one stakeholder noted, "The PLEI area has been reviewed to death. It is time to act on the recommendations to better coordinate efforts."

The steering committee could be charged with moving forward with the players on three initial objectives:

1. Convener of Meetings

An inaugural meeting should ideally include all the players consulted in this review: LSS, Law Foundation of BC, MAG, DOJ, LSBC, PLS, UVic Clinical Law Centre, UBC Law Students' Legal Advice Program, Canadian Bar Association – BC Branch, and

Centre for Education Law and Society (SFU), as well as the Real Estate Foundation of BC and The Rotary Foundation.

Working committees would need to be struck, to center on issues of concern to these players. Identified areas to date for consideration are poverty law, family law, funder information, aboriginal issues, and law-related education. The role of LSS would be to issue the call for meetings, arrange a meeting space and develop agendas. Meetings would need to "bring people to new ground", one player stated, "otherwise we are just putting in time."

2. Development of Community Profile Proposal

With LSS taking the lead, a funding proposal could be developed in consultation with the players for a community profile/needs assessment for BC. The MAG notes that the lack of systematically organized information on PLEI funding across ministries further supports the idea of developing a community profile.

3. Development of the Network

Community players and funders need to decide what kind of network works best for them. There is acknowledgement that the players have different needs. Smaller groups, which may have PLEI as a secondary purpose, probably need a vehicle whereby they receive updated information on policy and funding initiatives, and professional development opportunities. For example, a PLEI service provider told me that he had the great advantage of being able to travel to Ottawa and hear first hand about DOJ funding initiatives and policies. He would be pleased to hold a workshop in BC for groups in this category who are unable to capitalize on such opportunities. A PLEI Network could also meet the need of smaller groups to coordinate their efforts with others.

Larger sole purpose PLEI service providers have indicated a need for a forum to share ideas, test the merits of new initiatives and plan joint initiatives. The development of a funding proposal requires significant work and time by already overburdened Executive Directors. Practical and cohesive feedback from interested funders would be beneficial to all concerned. Further, it is interesting to note that the way funders allocate funds can actually enhance divisiveness among community groups, rather than encourage a collaborative approach, because project budget announcements are typically cast as "competitions."

Funders have their own particular needs. They indicated to me the value of having a mechanism to obtain feedback on funding proposals, as well as to have a role in providing professional development opportunities and information on funding priorities. Finally, all players including funders, appreciate the value of a better coordinated approach to the development of websites and the development and distribution of PLEI materials.

Another issue to consider is the role of the judiciary in the PLEI Network. Once the PLEI Network steering committee is formed and inaugural meetings held, the steering committee could meet with judiciary representatives to discuss what role, if any, the judiciary could play in the Network.

Once the players decide on the best model, a funding application could be submitted to the Law Foundation of BC and/or other funders as appropriate. Depending on the Law Foundation's capacity to provide the necessary level of funding, applications may also have to be made to other funders with a legal education mandate such as the Real Estate Foundation and the Notary Foundation. The Law Foundation has indicated that any such application would need to be viewed in the context of their own funding priorities, and with regard to their grant-making criteria which includes the applicant demonstrating whether or not other funding sources are available.

LSS has indicated that it could provide up to $25,000 in this fiscal year toward the start-up work of the Network (as articulated above). Appreciating that it is overly presumptive to predict what model the Network would agree upon, a reasonable estimate is that funding needs to be secured to support, at a minimum, a full-time coordinator's position. I believe that it is important for this coordinator (and the MAG PLEI Coordinator) to be knowledgeable, energetic, visionary, committed to PLEI, and able to shape forward-thinking, innovative programming. Research clearly points to the key ingredient to any successful program is the visionary himself/herself…some one who can inspire others and mobilize others to use their talents and skills.

The goal is to have this PLEI coordinating mechanism or network funded on an ongoing basis. Short of that ideal scenario, other scenarios are possible. For example, as noted earlier, the Law Foundation of Ontario provided pilot project funding for OJEN. Consideration is now being given to a request for significant core funding on an annual basis for the next three years – subject to reassessment after that time. Given the Ontario precedent, the Law Foundation of BC is a logical funding source for a PLEI Network in BC. First, given its statutory mandated responsibilities to fund legal aid and legal education and the fact that it is second only to the MAG in the amount of its grant-making in the PLEI area, the Law Foundation has much to gain from a well run and adequately supported Network. Second, the Law Foundation has a track record in the justice sector of providing support to initiatives which have as their goal increased coordination and communication among justice system players. Recent examples of the this track record include the funding of the Law Society/CBA Pro Bono Program (coordination and promotion of pro bono legal services in BC); CANLII (coordination of website legal information); POVNET (coordination of delivery of electronic information on poverty law); Canadian Forum on Civil Justice (organizational funding to coordinate the organization of research on civil justice); and IMPACS (organizational funding to coordinate a law reform initiative).

Finally, many players noted that the PLEI world is different from the PLEI world in Ontario. The differences in context mean that one cannot simply import the OJEN model. That would not work in BC. As stated earlier, the PLEI Network needs to be a model that is "made in BC", with careful attention paid to the existing strengths and the diversity of PLEI service providers in this province. Other options for coordination should be considered by the players. An example of a coordinated effort at the federal level is the Youth Justice Education Partnership, a multidisciplinary organization dedicated to improving justice for Canada's youth. The organization consists of representatives of ministries of justice and education; the judiciary; the academic community; associations of educators; public legal educators; youth; and agencies involved in justice-related issues or legal services. The bottom line – models of coordination exist. A PLEI Network can be developed if provided with funding assistance, direction and supported with the good will of the players.

What is needed in the development of the PLEI Network is positive, constructive participation from the service providers and from the funders. I am pleased to report that most players are indeed focused on what could work, rather than what won't work, and that there appears to be a genuine renewal of interest in how to better approach PLEI service delivery and funding in the province. As one player stated, "I personally would love to be part of a coordination network. You never know where the next good idea is coming from..."

Recommendations

Further study and analysis of the OJEN model and other options for coordination, their potential applicability to BC; and the submission of a funding proposal to appropriate funders for a PLEI Network.

7. Relationship to the Justice Review Task Force

The Task Force was convened in July 2002. It consists of senior representatives from the BC Supreme Court (Chief Justice Donald Brenner); BC Provincial Court (Chief Judge Carol Baird Ellan); Law Society of BC (Richard Margetts Q.C.); Canadian Bar Association (Peter Leask Q.C.); and Ministry of Attorney General (Gillian Wallace Q.C. and Jerry McHale Q.C.). The objective of the Task Force is to identify a wide range of reform ideas and initiatives that may assist in making the justice system more responsive, accessible and cost-effective. To this end, the Task Force provides a forum for its participants to exchange information, engage in mutual consultation respecting proposed administrative, procedural or program changes, and coordinate initiatives where appropriate.

The Justice Reform Task Force has indicated its interest in hearing how PLEI is an access to justice tool and how players are working towards a more efficient coordination of their work. Two areas of interest to the Task Force which could likely benefit from the PLEI Network concept are unrepresented litigants and family law.

In the 1988 Canadian Law Information Council Report, the Committee on PLEI states at page 3:

"Canadians care about having an accessible legal system...They are willing to have governments spend money to ensure that we have an accessible justice system.

Providing easy access to appropriate information on the law must be the cornerstone in the construction of an accessible justice system. This can only be accomplished by providing systematic and diverse access points for information. Information must be appropriate – in the right language, in the right format and with the right content – if it is to solve a legal problem, or provide information and incentive to encourage participation in the legal system."

The Task Force has a legitimate interest in hearing about the work of a PLEI Network. To go beyond an information sharing relationship would, however, likely be unworkable. It was pointed out to me, for example, that that there is no certainty to the longevity of the Task Force. My recommendations are all geared to arrive at one result – a properly funded PLEI Network with direction and which has a long-term existence, separate and apart from the existence of other outsides bodies.

Recommendation

That the PLEI Network report on its activities on a regular and ongoing basis to the BC Justice Review Task Force.

Concluding Comments

I would like to express my gratitude to the players who generously offered their creative ideas and vision to me, and provided information about their work and organizations on very short notice. The following commentary from a 1995 law reform report has resonance today:

"The non-profit sector is vast. It faces problems as complex as any government office or commercial enterprise. Its boards consist of volunteers... The agencies are under funded and usually unable to afford professional advice. The people involved in these enterprises do the best they can with the limited resources available to them. In many cases their efforts can best be described as heroic." (Law Reform Commission of BC: Report on Conflicts of Interest: Directors and Societies (1995) – Volume I, page 2.)

The recommendations contained in this review are made in the spirit of encouraging a process of continual self-assessment among service providers in the justice system, and those who provide the funding support and policy direction. As one player indicated to me, "I think we are all doing very good work in our organizations. But, over the past few years we may be evolving in our own boxes. The fundamental question is how can we explore how to change our boxes to better serve the public." To this self-assessment, I would add that my experience with the PLEI world in BC is that the players' work is of a very high calibre, and that the work is being done in an environment of historically challenging fiscal pressures and extraordinary pressures to deliver service. All of my recommendations are intended to support the PLEI players and to build their capacity to carry out their work.

Chapter F

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APPENDICES

A - Law- Related Education

B - Public Legal Education and Information Review

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APPENDIX A

Chapter 11

LAW-RELATED EDUCATION

PROMOTING AWARENESS, PARTICIPATION AND ACTION

Wanda Cassidy

LAW AND "THE EDUCATED PERSON"

It used to be, a century ago, that "the educated person" had a fundamental understanding of law — of its impact on the individual, of its regulatory power in society, of its role in shaping public policy, of its relationship with social norms and values. Indeed, knowing about law, what it is and what it does, was considered one of the hallmarks of an educated person in the western world.[1] Over the years, however, a well-rounded liberal arts education, which included law, gave way to the professionalization of law, where only those trained as lawyers had access to education about law. Public school education[2] was generally devoid of overt legal content, except for an occasional elective course often poorly conceived and accompanied by outdated material inappropriate for teaching.

If we were to zoom in on a typical secondary school in Canada in the early 1970s, we would observe the following situation: a teacher with little or no knowledge of law, tackling a senior law elective with one outdated textbook based on law from the most populous province, a textbook supplemented only by a fill-in-the-blanks question and answer student workbook. This teacher would have had no undergraduate course in law, no exposure to law education as part of her or his teacher education, no opportunity for professional development, no support services from the community, and no other source from which to glean appropriate classroom materials. As someone who experienced that situation first hand, I can attest to the frustration of being fascinated by the subject but being totally unprepared to address legal content or to engage students in law-related topics, other than to rely on help from the wider legal community and to adopt a "I don't know, but let's learn together" strategy with my students.

Fortunately for teachers across the country faced with these daunting challenges, the tide was about to turn in their favour, provoked by rumblings from the general public and from the legal profession. Across Canada, adults of the 1970s, fresh from the activism of the 1960s, began demanding that law be demystified, that legalese be abandoned and that the cloistered world of the lawyer be opened up to the average person. Running parallel to this grassroots movement, was an acknowledgement from some at the top of the legal profession that Canadians were generally ignorant of the law and that popular American television programs broadcast to Canada communicated misinformation about the law on a daily basis. Since a democratic society only functions well with a knowledgeable and engaged citizenry, and since ignorance of the law is no excuse for breaking the law, several prominent spokespeople called for something to be done, and done quickly, to foster a more legally literate public. One route, put forward by the Canadian Bar Association, was to focus on the needs of the adult population, or to bring law to the people. Another route, deemed likely to be more effective in the long run, was to educate young people while they were still in school and still a captive audience.

The comment made by Bora Laskin, the former Chief Justice of Canada, in a 1977 interview for *Maclean's* magazine became a rallying cry for many across Canada who sought funding for school programming to educate young Canadians about the law:

> I'm very much concerned about the lack of education in the legal process in our schools, up to and including university. It's very important to have a citizenry which is socially literate and social literacy to me involves some appreciation of the legal system. There isn't a single act that any government can do that does not have to find its source in the legal system. It's just as important that our people have some appreciation of law as they should of English or French literature or economics. I hope that our educational authorities will pay attention to this.

Hugh Kindred, a Dalhousie law professor, and Ken Norman, at the time Chief Commissioner of the Saskatchewan Human Rights Commission, also advocated improved elementary and secondary school education in the law. Kindred wrote extensively on the relationship between young people coming to understand the law and youth assuming their rights and responsibilities as democratic citizens:

> It is important that students know not only their civic responsibilities, but also their freedom of action within (our) system of government. The measure of good citizenship is not uneducated conformity, but a healthy respect for the rights of others as well as one's own, and an allegiance to orderly process, even in dissent. The character of law encourages such critical, yet constructive attitudes.

Norman argued that social studies curricula was rife with legal content that needed to be exemplified and developed.

In British Columbia in 1979, the Justice Development Commission, under the auspices of the province's Ministry of the Attorney General, went so far as to undertake a study of the Law 11 elective offered in schools throughout British Columbia. The Commission found an appalling lack of resources and support for teachers and recommended immediate funding to counteract the situation.

THE GROWTH OF THE LAW RELATED EDUCATION MOVEMENT

This two-pronged demand from the grassroots and from members of the legal profession and for programs that would give Canadians an understanding of the important role law plays in their daily life culminated in the establishment of several public legal education and information (PLEI) organizations, at least one in each province and territory, and most with an added mandate to address the needs of students in school. The schools' portion of the mandate came to be known as "law-related education," as opposed to "law or legal education," which implied a narrow focus akin to what might be learned at law school.

The term "law-related education" was imported from a parallel movement in the United States, one aimed at ensuring that elementary and secondary school students achieved literacy in the law. The Canadian movement differed from the American one in that law-related education in the schools in Canada fell under the broader jurisdiction of public legal education. In the United States, most law-related education organizations were set up solely to address the needs of youth in schools; in fact, there was no complementary movement in the United States for public legal education.

Although law-related education in Canada combines two fields — law and education — with the beneficiary being education, the impetus and the support for the many initiatives came almost solely from law, not from education. Funding came from provincial ministries of the attorney general, legal services or legal aid organizations, law foundations, the law courts and the federal Department of Justice, not from provincial ministries of education, teachers' federations or school districts. On occasion, small amounts of funding did come from education sources for projects like a summer institute or regional workshop for teachers, or for the distribution of teachers' guides, case studies, pamphlets and the like, prepared by law-related education programs.

Initially, those working in law-related education saw the lack of involvement from traditional education sources as an advantage. It meant that tasks could often be completed more quickly, for they did not have to meet the expectations of several partners or work their way through the education bureaucracy to have projects approved. Topics for curriculum projects or for workshops could also be more controversial and more issue oriented than projects or workshops likely to win approval from a cautious government.

What at first seemed efficient, and therefore more effective, would later turn out to have serious drawbacks, particularly because the relative isolation of those working in law-related education meant they could easily be written off as just another lobby group.

By the mid-1980s, however, the movement to promote law-related education in schools was flourishing. Every province and territory in Canada had programs underway. In most instances, programs for schools were housed within larger public education and information agencies, or in legal aid organizations, community law offices, or court houses. Some of these organizations were blessed with a statutory mandate to address the law education needs of that province's citizenry. Other organizations cloaked themselves in their own mandate to attend to a public that needed to understand the law and its wide-ranging influence on their lives. A cross-Canada network of like-minded enthusiasts in public and school-based law education had formed by the late 1970s, and in 1980 the First National Conference on Legal Education for Youth helped forge links between the many organizations working in schools.

In general, funding for law-related activities during the late 1970s and 1980s was relatively easy to secure. There was never enough money to address the wide range of needs, and some provinces were still seriously underserviced, but many funders saw law-related education for youth in schools as a priority. During the second national conference for law-related education, held in 1986, delegates applauded a number of successes. Teachers could now draw on a wide range of print and audio-visual resources for the classroom, mainly for secondary school students, with some geared to younger students. There were five major textbooks, all up to date and more engaging than before. In some provinces, teachers and staff from law-related education organizations had successfully lobbied their ministry of education to include more law content in courses such as social studies, consumer education or business education. Faculties of education at four universities in Canada (two in British Columbia, one in Alberta, one in Ontario) also initiated programs in law education for prospective teachers and for those teachers already in classrooms who needed to update their knowledge of law and learn novel ways to teach law to students.

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Figure 1: A CONTINUUM TOWARDS LITERACY IN THE LAW

FULL LITERACY IN LAW	Substance	Process	Resources
CRITICAL JUDGMENT	Comparing the intent of the legal system with its effect in practice (for example, critically judging the morality of a given law or a process in law). Determining the desirability of preserving, modifying, or abandoning a given law or process in law.	Acting on positions, in practice, the recognition and acceptance of one's "laws of 'best interest'" in law, individually and collectively. Using the democratic process for reform (for example, voting, lobbying, citizens' action groups).	Being able to identify and gain access to power-holding individuals and groups (for example, community action groups, members of legislative assemblies, consumer protection agencies, civil liberties associations, etc.) for information and guidance in decision making and for action aimed at reform.
UNDERSTANDING	Understanding the intent of a law or laws, in terms of the principles of justice and the concepts of guilt, innocence, liability, negligence, rights, evidence, and proof.	Understanding the effect of a law or laws, in relation to the basic principles of justice. Being able to explain how and why the legal system has different effects on different groups in society.	Understanding the purpose behind and functions of existing law resources, services, agencies, and agents.
KNOWLEDGE	Knowing one's constitutional rights (for example, the right to counsel, the right of free association). Knowing that laws exist in relation to the various roles a citizen assumes (for example, consumer law, tax law, marriage and family law, employer-employee law, home ownership or renting, motor vehicle, wills, criminal law).	Knowing the law's processes as they affect the citizen in contact with agencies and agents of the law (what the ordinary person needs to know).	Knowing about resources (for example, knowing when to consult a lawyer or a notary), or how to find information on law in a library.

Information ——→ Action

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programs were administered by those with roots in professions other than education, there was a tendency to equate the sharing of legal information with education about law. Many programs focused on spreading information about different areas of substantive law and on explaining legal procedures. The premise was that the public, including teachers and youth in school, so lacked information about the law that the "information just had to get out there." A great deal of effort went to writing pamphlets and preparing teachers' guides and the like, and to organizing short-term workshops to disseminate legal information. The focus tended to be on quantity and on the number of workshops, the number of participants, the number of pamphlets, the variety of topics, rather than on carefully strategizing about the most effective ways to influence adults', teachers' or young people's understanding of law over time and at a deeper level.

Although this approach was not followed singularly, a more carefully thought-out plan, one drawing on education and implementation theory, would have proven more effective in the long run. For example, the research shows that one-day or half-day sporadic workshops are not very effective, nor do they bring about lasting change, particularly if participants have not identified the topic as a priority for their own professional growth.[illegible] A more effective strategy relies on intensive courses or in-service programs where topics and issues can be addressed in depth, where participants can experiment with new approaches in their classrooms, and where participants have time to become committed to the new idea. Similarly, increasing the quantity of curriculum materials on law does not necessarily mean that teachers will use those materials. A more effective approach is to provide opportunities for teachers to help develop and field test the materials, thus creating a sense of ownership and a commitment to their use.

Interestingly, the law-related programs that have survived now tend to concentrate on the quality of their curriculum, materials and the support services they offer teachers and on building educational partnerships over the long term. However, more lasting results for many programs could have been achieved if we had learned these lessons earlier, during the heyday of more accessible funding and flourishing programs.

2. Going it Alone Versus Forming Effective Partnerships

Because the comfortable home for law-related education was law [illegible] education, and because most of the funding came from sources within the legal profession, those working in the field tended to stick with the familiar and to avoid the sometimes lengthy and frustrating work of attempting to set up working relationships with ministries of education, universities, school districts, or teachers' federations. While school districts and teachers' federations were generally welcoming of outside help, ministries of education were sometimes resistant and tended to see law groups as just one more powerful lobby group trying to influence the education system. Furthermore, the processes for including more overt law content in school subjects and for getting those changes approved were cumbersome and time consuming and proved extremely unwieldy and frustrating for those who saw the great need and who wanted to help fill the gap. Except in British Columbia, where law-related educators teamed up with professors to build programs at the two largest universities (with seed money provided by the provincial law foundation), and in Alberta, where law-related education found a home within the Faculty of Extension of the University of Alberta, those working in law-related education did not generally seek out universities as partners.

This failure to build strong partnerships meant that when money dried up, there were no other sources with pre-existing educational mandates to continue the efforts. In addition, failure to work extensively with teachers' federations or school districts meant that the materials produced and the programs offered may not have been as useful as they could have been.[15] The relative lack of direct teacher involvement in preparing materials and establishing programs also meant that relatively few teachers would have a strong stake in the outcome. Implementation theory shows us that effective and long-term change comes when many different parties who have a stake in the change become committed to it.[16]

It may have been that partnerships with non-education organizations were easier to forge or that education organizations created barriers to partnerships. Whatever the reasons, deliberate or merely

neglectful on the part of law-related education agencies, this isolationism thwarted the growth and entrenchment of the law-related education movement and it affected the quality of their endeavours. In the mid 1990s, for example, the Department of Justice public education division invited several people from across Canada to participate in developing education strategies around youth justice. Although education clearly was the mandate, only five of the forty-odd delegates came from education — the others were lawyers, judges, child advocates, psychologists, youth workers, criminologists, members of the clergy, communication specialists or directors of public legal education and information programs. While the discussion which ensued was provocative and engaging, it was qualitatively different from what would it have been had there been greater representation from those steeped in the theory and practice of education. Part of the problem may lie with the federal government's reluctance to deal directly and overtly with education matters — considered the jurisdiction of the provinces.

3. A Focus on Doing and Producing Versus Reflecting and Analyzing

At the 1988 national law-related education conference, delegates were urged during a plenary address to:

> ... share our insights, our experience and knowledge ... [to] take time to write ... Law-related education in Canada suffers from a dearth of information about what people are doing and from a dearth of critical reflection ... [Also] we must conduct more research. Gone are the days when we can just do what we think must be done. We need to assess the needs of the field carefully, develop programs based on these studies, evaluate their effectiveness and publish our findings.[17]

Unfortunately, the field did not heed this admonition, and very little sharing of information or actual research into programs or needs took place. As late as 1995, staff from law-related education programs were still citing a commercial and questionable 1981 American study which showed the positive effect of law-related education on reducing juvenile delinquency[18] as reason to fund law-related education in Canada. As a result of this dearth of research, those spearheading Canadian programs were at a loss to justify many of their activities or to show cause why new ideas should be funded. Redirecting some funding into research when funding was more readily available, or connecting with universities or other institutions who have the mandate and the skills to do research, would have increased the longevity of some programs, reshaped others and identified the need for new directions.

The authors of a 1995 report, which surveyed major initiatives in law-related education across Canada, made a similar observation:

> It is clear ... that there has been a limited amount of either qualitative or quantitative research done ... In many areas of the country the failure to develop a comprehensive theoretical foundation, a well-conceived plan for dealing with the problem and coherent strategies for implementation has meant a failure to address the need to make young Canadians aware of their legal rights and responsibilities.[19]

This report also identified the lack of a national perspective and the inadequate collaboration among individuals and agencies working in law-related education as contributing to the decline of the movement. Although there has been some attempt in the last five years to establish a national presence in the youth justice education field and to bring key players together to discuss common concerns, this Youth Justice Education Partnership (YJEP), as it is called, suffers from lack of funding to foster the network, a narrow mandate of youth justice and disinterest from many who should join. Canada, unlike the United States, does not have an active national bar association with a special committee, staff and designated funds to assist and foster law-related education across the country.

4. The Vocabulary of Law Education

The vocabulary of law-related education proved to be an obstacle in and of itself. Because teachers, school administrators and educational policy makers knew so little about law, many found it difficult to grasp how law is woven through science or language arts or career planning courses, or even through social studies education, apart from the study of government or the courts. Further, law was

perceived as complicated and difficult to understand, which made its study seem more appropriate for the upper grades or in an elective course in law or business. To the novice, law seemed removed from the issues and topics dealt with at the elementary school level, even in social studies. Of course, knowledge about law is integral to almost every subject taught in school and is fundamental even for kindergarten children who are concerned with fairness, rule making, the right to be heard, their rights versus classroom rights, fair procedures for resolving disputes, and so on

As a result of this lack of understanding of what law education was all about, many administrators, teachers and policy makers initially reacted as though law-related education was a frill or another add-on to an already packed curriculum, rather than an important lens through which to examine sustainable development, neighbourhood strife, labour disputes, multiculturalism, children's rights or any issue current in the press. The methods of inquiry used in law studies also promotes higher-order thinking — for example, a forensic investigation in science, a mock trial of a figure in history, a case study of a human rights infringement in social studies, a mediation to resolve conflicting values in business education. Once teachers, administrators and policy makers overcame the hurdle of the vocabulary, they became excited about the possibilities of law-related education and came to see the law perspective and the skills of law as essential to several courses. Working with educators to reach that level of understanding, however, was time-consuming and energy-draining.

This vocabulary issue proved to be a contributing factor in the failure to disseminate law-related education through the school system in various grade levels and subject areas. In 1995, despite twenty years of effort to promote law-related education, researchers were unable to find any overt, planned, coherent or integrated program in law education offered in any school district in Canada — at least none that senior officials could identify when asked.[20]

Recently, law-related educators have come to realize that using a different vocabulary does not detract from the fundamental goals and that the use of complementary terms like citizenship education, human rights education, life-skills education, multiculturalism, anti-racist education or critical thinking might make law-related education more understandable and therefore more readily embraced. In some jurisdictions, the "safe school movement" of the late 1990s has subsumed part of the mandate of law-related education, focusing on the development of peaceful and sustainable school environments where principles of law and justice are taught as well as modelled.

5. GOVERNMENT CONTROL VERSUS GRASSROOTS INITIATIVES

In the early years of law-related education, the criteria for government and foundation funding was looser and relied on the initiative and creativity of applicants to propose innovative projects to meet local needs. This model encouraged diversity and tapped the energy and enthusiasm of those who were planning programs. In time, this model of funding gave way to a more controlled model, where, for example, the federal government set the topics to be funded and also designated one organization per province as the sole recipient of core funding. While this decision allowed a few organizations to thrive and plan over the long term, it relegated others to second-class stature. These changes also thwarted blossoming grassroots initiatives that rose from local needs, squelched the enthusiasm program developers had for certain pet projects and seriously curtailed the possibility that new programs with fresh ideas would gain support. Similarly, foundations, the other major funding source, established more stringent criteria and a more complicated bureaucracy for distributing funds.

Program development theory talks about successful programs being driven by visionaries with a mission who put their hearts and minds into achieving what they believe to be important and needed. Working within the framework of others usually only succeeds in disheartening those whose energy drives the programs, often causing the leaders to move on to new endeavours where their ideas are better received and where they have greater control over the outcome.

Indeed those program developers interviewed for a 1999 article in *Canadian Lawyer* spoke of the frustration they feel with the federal Department of Justice being driven by [illegible]

and go, who have no experience in either law or public legal education and no commitment to the concept or goals of either.[21] This, coupled with reduced funding from all sources, has demoralized those still in the field.

RENEWAL AND NEW HORIZONS

Despite all of the obstacles and frustrations facing law-related education, if we were to drop in on any classroom in Canada, we would see some law being taught — either implicitly or explicitly. Students are being exposed to the law through social studies, science, the language arts, business education, consumer education and family studies. In some instances, curriculum documents include more explicit law-related content as a result of the lobbying efforts of law-related agencies. In other instances, teachers are more comfortable addressing law-related issues because of what they have learned through courses, workshops and newsletters provided by the same agencies. More teachers are also willing to employ a broader range of law-related teaching strategies, such as a mock trial, a moot appeal, a simulated mediation or a case study because of their exposure to law-related education. Because of the efforts of leaders in law-related education and those of others who write on the hidden curriculum and democratic classroom,[22] teachers now are somewhat more cognizant of the powerful messages about law and due process communicated through the way students in school are treated, how decisions are made and how conflicts are resolved. Teachers also are more likely to look at how fairness, respect for others, privacy, individual and community rights and the common good play out in their classrooms.

In some provinces students can still take part in a mock trial at a local court house or be guided through a court visitation by law-related educators located at the site. In British Columbia (still considered the hotbed of law-related education in Canada),[23] secondary and elementary school teachers and administrators can take up to four credit courses in law-related education, offered by the two largest universities, either on campus or through distance-learning. In a few provinces, teachers can still participate in one or more workshops each year on selected law-related topics. Some teacher guides are still being produced, although the print medium is now used less often than Web-based support, which is considered more cost efficient, reaches users more quickly and permits quicker updates as the law changes.

Teachers' guides that have been produced in recent years generally reflect those national priorities set by the federal government: First Nations' issues such as treaty negotiations and Aboriginal approaches to sentencing; crime prevention; changes in the *Young Offenders' Act;* and material explaining the Canadian legal system to recent immigrants. Ontario continues to be the source of most of the commercially published textbooks on law for school use, although an edited volume on teaching law at the elementary school was recently produced by an Alberta publisher, and several smaller scale issue-based teachers' guides have been produced by a West Coast publisher.

Teachers wanting information on a broader range of legal topics, lesson ideas and discussion of controversial issues will find the best source of information on three specifically designed Web sites: the Law Connection, ACJNet and the Law Room. (For their URLs, please see the Resources listed at the end of this chapter.) For example, the Law Connection is organized around themes: women and equality; hate legislation; property law; workplace harassment; the Charter of Right and Freedoms; social responsibility; the role of the courts and the judiciary. This Web site also connects users to a legal expert who can answer questions posed by teachers or students. ACJNet provides a link to many other legal sources of information, including the Supreme Court of Canada's decisions and the services provided by each public legal education and information organization in Canada. The Alberta Legal Resource Centre and the Public Legal Education Association of Saskatchewan provide newsletters for subscribers, these include legal information, ideas for lessons and appropriate resources.

Today, the services and sources of support for teachers of law-related education and their students varies widely across Canada, with no province providing a comprehensive program and some provinces seriously lacking support. The impetus behind law-related education in the schools still lies primarily with organizations that were set up to meet the needs of the general public; with some exceptions, other education organizations do not see law-related education as a priority.[24] With funding cuts this means that only limited activity is taking place. The federal government's priorities are to fund narrowly defined projects deemed to be in the national interest but may not fit local concerns. Although teachers can find information on the law on the Web, not all teachers are comfortable using this vehicle, and the technology itself lends itself more to information sharing than to interactive learning and the practice of new strategies in the classroom. Those who run the Web sites also struggle with the funds needed to expand into new topics and to monitor and update the information on the sites. Further, because much law is provincial rather than nationally applicable, materials and services produced by one organization may not be appropriate for teachers in another region of the country. Thus it makes it more difficult to share resources without modifying them to fit other jurisdictions. In 1999, law-related educators bgan to discuss ways of better co-ordinating the development of materials through the use of templates where the core ideas are shared, but which allow provincial modifications.

Several challenges confront law-related education as we move into the new century. It has not brought about the sweeping and lasting impact on the schools that we had hoped for, but the need for law-related education remains just as great as it was thirty years ago. There is not a single thing that we do as individuals that is not influenced by law —- where we live, what we do for a living, our recreational pursuits, our relationships with our children, our parents and our neighbours, our travel, our schooling, even what we eat, what we say, what we read, what we wear and how we treat our pets. Further, all important social issues facing Canada and the world today have a direct bearing on law; for law is intricately woven into the very fabric of our society and the global connections Canada has with the rest of the world. I usually ask students in my law education class on the first day to circle those articles in the newspaper before them which have something to do with law. In the end, almost everything in the newspaper is circled, from the headlines, to sports, to the fashion pages, to the classifieds — even the cartoons, the advertisements and the movie pages.

The issues facing Canada today require citizens to be knowledgeable about how to affect change and be prepared to hold elected officials accountable for their actions. The law should reflect those values we hold dear in our society: justice, fairness, respect for persons, equality, the right to privacy, freedom of speech and movement, protection of children, earned authority and caring for the less fortunate. Law-related education helps reinforce these important principles and encourages each person to play a part in seeing these values realized.

There are many important decisions that Canadians need to make: how to respond to refugees arriving on our shores; how to protect vulnerable children from abusive parents; how to resolve century-old land claims; how to regulate the Internet; how to protect Canada's natural resources; whether to support free trade and a globalized economy; how to prevent cultural genocide in various parts of the world; how to build community in an increasingly urban society; how to counteract racism and to promote respect for all people regardless of race, gender, age or background. Law-related education has an important role to play in informing Canadians about these issues and in cultivating citizenship attributes.

The need for a solid education in law is easy to justify. The challenge remains, however, as to how to package law-related education so it is embraced and how to work towards more successful implementation at the classroom level where it counts most with students. The issues that contributed to the unravelling of law-related education must be addressed if a resurgence is to occur. Program developers need to more effectively collaborate with each other — sharing resources where possible so that efforts are not duplicated and diversifying according to specialty areas rather than competing with each other for shrinking dollars. And new blood with fresh ideas and a fresh vision must be brought into the movement to restore the vibrancy, enthusiasm and energy which drove law-related education in the early years and when no obstacle seemed too large to overcome. It is time for a new generation of educators to respond to the challenge of law-related education, to work with more seasoned veterans, to build on past successes and learn from prior mistakes and take up the important mission of cultivating a responsible, proactive and compassionate citizenry who is literate in the law.

WEB SITE RESOURCES

The Law Connection, Simon Fraser University

www.educ.sfu.ca/lawconnection

This site is based on legal themes such as children's rights, social responsibility. It includes updates on court decisions and legislation, lesson plans, lists of resources, a conferencing service for teachers, and the Legal Beagle, a place where law professionals respond to questions asked by students and teachers.

ACJNet Access to Justice Network

www.acjnet.org

Offered through the Legal Studies Program at the University of Alberta and sponsored by the Department of Justice, this site contains links to the Supreme Court of Canada's decisions, federal and provincial legislation, the Canadian Bar Association, and public legal education and information organizations.

Law Room, University of Ottawa

www.uottawa.ca/hrrec/lawroom

Geared to teachers, this service offers lesson ideas and other practical resources suitable for the classroom, for example, the Lawyer Mentoring Project, which pairs lawyers with students.

CURRICULUM RESOURCES

Roland Case and L. Daniels, series eds., *Critical Challenges Across the Curriculum* (Vancouver: Pacific Educational Press, 1997, 1998, 1999). Three publications of this series of eight deal with critical questions in law and government (confederation, constitutional crisis, role of Parliament). The publications are written by teachers and based on a model of critical thinking developed by the Critical Thinking Consortium in British Columbia.

W. Cassidy and R. Yates, eds., *Let's Talk About Law in Elementary School* (Calgary: Detselig Enterprises Ltd., 1998). This anthology addresses ways to incorporate legal concepts throughout the elementary curriculum by using engaging strategies. Sample chapters include using literature to teach law, teaching law in primary classrooms, conflict resolution strategies, teaching forensics in science.

W. Cassidy and R. Yates, eds., *Storybook Mock Trials: Simulations and Role Plays for Children* (Burnaby: Simon Fraser University, forthcoming). This anthology includes several mock trials based on fairy tales for elementary-aged children. It also includes information on how to conduct a mock trial and the educational benefits of this form of learning.

M. Ferguson, M. Kooy, and R. Yates, *Just Walls: An Introduction to Learning About the Law for Middle Grade Students* (Ottawa: Department of Justice Canada, 1996). This work presents six stories about young people confronting moral and legal issues using the theme of "walls" — building walls (protection), mending walls (restitution) and dismantling walls (rehabilitation). This lesson is available through the ACJNet Web site.

G. N. Goodfellow, E. Mustache, and E. Gordon. *First Nations' Journeys of Justice* (Vancouver: Law Courts Education Society of British Columbia, 1994). This K-7 curriculum addresses concepts of justice using the oral tradition of stories from First Nations' people. This resource is geared primarily to First Nations' communities, although it is appropriate for elementary schools throughout Canada.

J. Itterman, *Legal Safari*, 3 vols. (Vancouver: Law Courts Education Society of British Columbia, 1990). This collection has practical suggestions for teaching legal concepts and skills to intermediate level elementary students. Although packaged as a teacher resource, Legal Safari also includes material for students, and is available in English and in French.

S. Yates, *Rights, Responsibilities and Respect: The Three R's of Justice Education* (Winnipeg: Gemma B. Publishing, 1995). This teacher guide addresses various issues and procedures associated with criminal law, young offenders, First Nations' legal procedures. It is a joint project of the Manitoba Community Legal Education Association, the Department of Justice and the Winnipeg School District.

ORGANIZATIONS

Centre for Education, Law and Society
Faculty of Education, Simon Fraser University
Burnaby, BC V5A 1S6

(604) 291-4570; 291-4484
Fax: (604) 291-3203
E-mail: Ruth_Yates@sfu.ca, cassidy@sfu.ca
www.educ.sfu.ca/lawconnection

The Centre's mandate is to improve the legal literacy of young people and children through a program of research, credit course offerings, graduate studies, curriculum development and consultation with school districts and teacher groups.

Educalol
C.P. 1537, Succ. Place d'Armes
Montreal, QC H2Y 3K8
(514) 954-3408
Fax: (514) 954-3493
E-mail: monik@educalol.qc.ca

This organization is active in public legal education in Quebec, and provides materials and assistance to teachers in schools.

Law Courts Education Society of British Columbia
The Vancouver Law Courts
221-800 Smithe Street
Vancouver, BC V6Z 2E1
(604) 660-9870
Fax: (604) 660-2420
E-mail: rick.craig@ag.gov.bc.ca

The society has regional offices throughout British Columbia and offers a court-watching program, curriculum materials on the courts and the justice system and provides assistance to First Nations, the Deaf, the mentally challenged and new Canadians.

Legal Studies Program
Alberta Legal Resource Centre
University of Alberta, Faculty of Extension
8303 – 112 Street
93 University Campus N.W.
Edmonton, AB T6G 2T4
(780) 492-5735
Fax: (780) 492-6180
E-mail: snk@ualberta.ca
www.extension.ualberta.ca/plena

The program offers workshops and services for teachers and other groups, produces curriculum materials, co-ordinates ACJNet and produces *Law Now*, a magazine with helpful legal information and lesson ideas.

Public Legal Education Association of Saskatchewan
#300-201 – 21 Street East
Saskatoon, SK S7K 0B8
(306) 653-1868

Fax: (306) 653-1869
E-mail: surtees@plea.org.ca
www.plea.org

Although primarily geared to public legal education and information, the association offers workshops to teachers, develops curriculum materials and produces the newsletter *The PLEA*, which provides legal information and activities for students and teachers. It is a key player in the Lawyer Mentoring Project for students (along with the Alberta and Manitoba public legal education and information groups), an on-line service available through the *Law Room*.

Public Legal Education and Information Service of New Brunswick
P.O. Box 6000
Fredericton, NB E3B 5H1
(506) 453-5369
Fax: (506) 457-7899
www.unb.ca/web/netlearn/nblaw

Although primarily geared to public legal education and information, this organization assists teachers through workshops and the development of curriculum resources and works in association with the provincial Youth Justice Ministry, which has taken some initiatives in law-related education.

NOTES

1. Stephen Arons and J. Cole, "Importance of the Study of Law and Legal Institutions to General Education." *A Report to the Ad Hoc Education Committee* (Amherst: University of Massachusetts, 1981).
2. Likewise, undergraduate courses rarely included law.
3. Wanda Cassidy, Excerpt from Plenary Panel Presentation, First National Conference on Legal Education for Canadian Youth, University of Saskatchewan, College of Law, Saskatoon, 1980.
4. Ron Ianni, "Reflections on the State of Public Legal Education in Canada," *Canadian Community Law Journal* 3 (1979), 3–11.
5. "Interview: With Bora Laskin, Chief Justice of the Supreme Court of Canada," *Maclean's* 90 (February 21, 1977), 9.
6. Hugh Kindred, "The Aims of Legal Education in High School," *Canadian Community Law Journal* 3 (1979), 20–25.
7. Mabel McKinney-Browning, "Educating for Civic Participation: Law-Related Education in the United States," in W. Cassidy and R. Yates, eds., *Let's Talk About Law in the Elementary School?* (Calgary: Detselig Enterprises Ltd., [illegible] Isidore Starr, "The Law Studies Movement: A Brief Look at the Past, the Present, and the Future," in W. Crawford, ed., *Law vs. Learning: Examination for Discovery. Proceedings of the National Conference*, Vancouver, June 19–21, 1988 (Ottawa: Canadian Law Infomation Council, 1989).
8. Gail Dykstra, "Public Legal Education: The Canadian Approach," in *Understanding the Law: A Handbook on Educating the Public* (Chicago: American Bar Association, 1985), 29–38.
9. The Honourable Mr. Justice W. McIntyre, "The Rule of Law in Public Legal Education," in E. Myers, ed., *Legal Education for Canadian Youth: Proceedings of a Conference, University of Saskatchewan, College of Law, May 1980* (Ottawa: Canadian Law Information Council, 1981).
10. Wanda Cassidy, "Law-Related Education in Canada: Yesterday and Today," in Crawford, ed., *Law vs. Learning: Examination for Discovery*.
11. Roland Case, *On the Threshold: Canadian Law-Related Education* (Vancouver: Centre for the Study of Curriculum and Instruction, University of British Columbia, 1985).
12. Mike Manley-Casimir, Wanda Cassidy, and Suzanne de Castell, *Legal Literacy: Towards a Working Definition. A Report Submitted to the Canadian Law Information Council* (Ottawa: Canadian Law Information Council and the Department of Justice, 1986).
13. Ibid., 13.
14. T. Guskey, "Results-Oriented Professional Development," and D. Sparks and S. Loucks-Horsley, "Five Models of Staff Development for Teachers," in A. Ornstein and L. Behar-Horenstein, eds., *Contemporary Issues in Curriculum* (Boston: Allyn and Bacon, 1999).
15. Law-related organizations did have a group of teachers they worked with. These teachers offered suggestions for materials, field tested the resources and were committed to the teaching of law to children. However, these teachers were not in a position to carry on the programs when funding ran out, nor were they in a position to influence policy and funding decisions within their own organizations.
16. Michael Fullan, *The Meaning of Educational Change* (Toronto: OISE Press, 1982); Walt Werner and Roland Case, *Strategies Used by Advocacy Groups to Support Implementation of Issues-Based Innovations. Occasional Paper #16. Explorations in Development/Global Education* (Vancouver: Centre for the Study of Curriculum and Instruction, University of British Columbia, 1988).
17. Cassidy, "Law-Related Education in Canada: Yesterday and Today," 11.
18. Robert Hunter and Mary Jane Turner, *Law-Related Education Evaluation Project: Final Report, Year One* (Boulder, CO: Social Science Education Consortium, Law-Related Evaluation Project, 1981).
19. Sadie Kuehn, Ruth Yates, and R Mainville, *Law-Related Education Survey Report produced for the Department of Justice Canada* (Ottawa: Government of Canada, 1995).

20. Kuehn, Yates, and Maisonville, *Law-Related Education Survey*, 23.
21. J. Beasley, "A Plea for Better PLEI," *Canadian Lawyer* (February 1999), 27-30.
22. Philip Jackson, Robert Boostrom, and David Hansen, *The Moral Life of Schools* (San Francisco: Jossey-Bass Publishers, 1993).
23. Several organizations are still active in British Columbia: the Law Courts Education Society of British Columbia, which operates out of regional court houses in the province; the People's Law School, which primarily does public legal education; the Centre for Education, Law and Society at Simon Fraser University, which co-ordinates credit courses and does research. The Schools Program of the Legal Services Society of British Columbia, once the leader in the province, no longer exists, although the society still does some work in public legal education.
24. The Ministry of Education in British Columbia, in association with the Open Learning Agency (Open Schools), offers the senior law elective in the curriculum on line, with links to related Web sites, and support from an experienced law teacher.

Chapter 12

MEDIA EDUCATION IN CANADA

Barry Duncan, John Pungente, SJ,
and Rick Shepherd

MEDIA EDUCATION, OR MEDIA LITERACY as it is sometimes called, is designed to help students think critically about the media. Media education should not be confused with teaching *through* the media, rather it is teaching *about* the media: how the media communicate and shape information, how audiences relate to different forms of media, how they are organized and how they affect our culture.

Media education is, indeed, an eclectic circus. If they are following the cultural studies model, teachers need to draw from many disciplines. They must be able to work experientially with today's moveable texts: a block buster film, a new Calvin Klein ad, a news item of a catastrophe or the latest celebrity gossip, an exciting new Web site or chat line where kids can have a free exchange of opinions. The fact that many teachers may have little or no formal training in media education at the very time consultants and school board funds are scarce makes our project especially challenging. Nonetheless, it is heartening to know that Canada has acquired a reputation as a world leader in media education. Today, progressive educators recognize that media literacy is not a frill; it is a survival skill for coping with our information environment.

Appendix B

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1993

PUBLIC LEGAL EDUCATION AND INFORMATION

REVIEW

Prepared for

Communications and Education Branch
Ministry of Attorney General

Prepared by Rick Craig
Law Courts Education Society

October 1993

A26P

LEGAL RESOURCE CENTRE
LEGAL SERVICES SOCIETY

RECEIVED
[illegible]

Law Courts Education Society of British Columbia
[illegible]
[illegible]

October [illegible], [illegible]

Marty Bowling,
Executive Director,
Communications and Education Branch,
Ministry of the Attorney General,
[illegible] Government St.,
Victoria, B.C.,
V8W [illegible]

Re: Ministry of Attorney General Public Legal Education Review

Dear Marty,

Attached is my review of the Ministry of Attorney General public legal education services. The Ministry is engaged in a wide variety of public legal education and information programs and has much to be proud of. As per your request, I have tried to provide a concise summary of the activities of the Ministry. Clearly, a full description of the work of any one of a number of Ministry Branches would require a document of equal or greater size than this review.

I would like to suggest that copies of this review be provided to all review participants who were directly interviewed by me and who are still part of the Ministry. A major focus of the review was an examination of the framework of Ministry PLEI programs and activities and the development of recommendations for both the Ministry and the PLEI Unit of the Communications and Education Branch. Logically, the next step would be to share this with review interviewees in order to solicit their feedback and support for the framework proposed in the review.

The Ministry is a major player in the delivery of public legal education services to British Columbians. Clarity on its mandate combined with mechanisms to co-ordinate and evaluate its programming in this area should ensure that all British Columbians continue to receive the highest quality public legal education services.

I look forward to hearing any comments which you may on the review.

Yours sincerely,

Rick Craig,
Executive Director.

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B) PLEI Questionnaire

C) Law Foundation 1992 Public Legal Education Grants

D) Review Interviews

PART ONE: INTRODUCTION

The Ministry's Role

The Ministry of Attorney General plays a key role in the research, development, funding and delivery of public legal education and information (PLEI) services to British Columbians.

Many individuals are not aware of the scope of the ministry's involvement in PLEI. However, each year millions of dollars is directed into ministry programs and to organizations engaged in PLEI programming, helping to create some of the most developed and sophisticated PLEI programming in Canada. By contrast, the federal Department of Justice funding for PLEI services in British Columbia is less than 10% of the provincial ministry's total.

The Ministry of Attorney General also appoints board members to two of the major PLEI service delivery organizations — the Legal Services Society and the Law Courts Education Society — and to the Law Foundation of B.C, which is the second largest source of funds for PLEI services in the province (see Appendix C).

In addition, a large number of ministry staff from a number of program and services divisions are involved in a variety of PLEI-related activities in communities throughout B.C.

The 1990 Peat Marwick Review

In recent years, numerous initiatives, many developed in response to the 1988 *Access to Justice* report, have both extended the work of the Ministry of Attorney General in delivering community justice services and broadened the range of PLEI programming in B.C.

As a result, the ministry commissioned its first review of the province's PLEI programming in 1990.

That review, conducted by Peat Marwick Stevenson and Kellogg, examined the ministry as one of seven major PLEI players in the province, including: the Canadian Bar Association (B.C. Branch); the Law Foundation; the Law Society of B.C.; the Public Legal Education Society of B.C.; the Law Courts Education Society; and the Legal Services Society.

The Peat Marwick review found that "while the ministry does not have a statutory mandate to either deliver or fund PLE initiatives, it has an implied obligation in its mandate to ensure that the public understands its laws. As such, the ministry has three goals:

- to provide information about ministry services to the public;
- to educate people about the court process; and
- to make the law more accessible to the public.

"The mandate of the Attorney General is more inferred than direct; it stems from its obligation to ensure that the public understands the law."

The review also found that "there were differing opinions as to the nature of the ministry's mandate amongst ministry branches and personnel. This lack of clear objectives is reflected in a general lack of clarity about what the ministry is and should be doing in the PLE field," and concluded that there was little in the way of coordination between the different PLEI players throughout the ministry.

This Review

In the spring of 1992, as part of the re-organization of the Management Services Branch, the responsibility for coordinating all public legal education and information within the ministry was given to the Communications and Public Affairs Division (now called the Communications and Education Branch).

In early 1993, Rick Craig, Executive Director of the Law Courts Education Society, was asked to conduct a review of the ministry's PLEI programming to help develop a mandate for the Communications and Education Branch in this area.

The majority of this review involved meetings with the ministry's Assistant Deputy Ministers and/or their designates to determine:

- what PLEI activities/programs are being delivered or funded by their branches/agencies;
- what policies have been developed to guide that PLEI work;
- what coordination of the development and delivery of PLEI services exists within and between the branches, other ministries, the federal government and outside agencies;
- what PLEI services could/or should each respective branch be active in; and
- the role of Communications and Education Branch in assisting either branches or the ministry as a whole in the development, delivery and coordination of PLEI services.

Stephen Whipp, former Director of Arctic PLEI and now a PLEI consultant in B.C., provided important assistance in all stages of this review and especially in conceptualizing issues to be examined and the definition of terms.

Jacqueline Nelson of Policy and Legislation Services Division assisted in the identification of Ministry policy issues and community relationships.

Roy Dungey and Susan Dahlin of Community Services Division provided considerable assistance in defining issues involved in ministry PLEI-funded relationships.

PART TWO: BACKGROUND

Defining PLEI

There is no single definition of PLEI. Rather, PLEI is a term loosely used to describe any activities intended to inform or educate individuals, specific groups or the general public about the law, legal procedures and our legal system.

This definition can be made a little more precise, however, by describing PLEI activities as those designed to provide people not trained in the law with opportunities to obtain information about the law and the justice system in a form that is timely and appropriate to their needs.

The Rationale for PLEI Programming

PLEI programs presume that the interests of society are best served by an informed citizenry, able to interact with the justice system in a manner which best protects their individual and group rights.

It further presumes that the justice system works best with an informed public which is able to understand and interact with the Canadian justice system effectively as witnesses, accused, litigants, advocates, or interested citizens.

PLEI activities are often referred to in two categories:

- ***Legal Literacy Programming***, based on the assumption that people need a basic level of legal knowledge in order to be able to define their legal needs and to access the justice system competently.

  This is assumed to be a basic requirement of responsible citizenship and fundamental to the protection of rights in our society. The justice system also needs legally literate citizens in order to maintain public confidence and to operate effectively and fairly.

- ***Legal Needs Programming***, based on the rationale that people need legal information and education programs and services in order to be able to exercise their legal rights and assume their legal obligations in meeting their specific legal needs.

  People need to be able to see their problems as having legal solutions and to take the steps necessary to prevent or resolve those problems. The justice system also needs PLEI programs and services in order to inform people about how to access the justice system and to assist them in using its services.

The PLEI World

In British Columbia, PLEI activities are extensive and built on years of program development. The major players include:

- ***Ministry of Attorney General*** — the largest funder of PLEI programming as well as a deliverer of direct and support services;

- *Ministry of Education* — promotes school-based PLEI (law-related education) through Law 12, Social Studies 11, Consumer Education and support for intermediate grade programs;

- *Law Foundation* — legislatively required to direct funds to legal education, legal aid, law reform, legal research and law libraries — provided over $1.1 million for PLEI programming in 1992;

- *Legal Services Society* — legislatively required to carry out PLEI — currently carries out schools program, library services program, community PLEI grants program and PLE delivered by Legal Services Society offices;

- *Public Legal Education Society* — an independent PLEI society that develops and delivers PLEI programming through free law classes in English and minority languages, booklets, videos and public service announcements, Justice Theatre and children's summer law program;

- *Law Courts Education Society* — an independent PLEI society that acts as the education arm of the courts and the justice system; develops and delivers PLEI programming through organizing court watching, meetings with justice system personnel, multicultural and native law camps, careers education, curriculum and settlement agency PLEI partnership services;

- *Canadian Bar Association (B.C. Branch)* — promotes the interests of the legal profession, advocates law reform and provides legal services to the public through the Dial a Law Service, sponsors the annual Law Week activities, the B.C. Mentor program and Speaker's Bureau;

- *Law Society* — acts as the governing body for the legal profession and works to inform the public about the law; sponsored the now discontinued Legal Wise Television show, produces "Legal Tips" and an annual Media Workshop, makes PLEI recommendations through special task forces on such issues as gender equality;

- *Universities* — provide law-related education training for teachers, curriculum, and undertake some PLEI research; and

- *Federal Department of Justice* — supports the work of the national Association of PLE agencies (PLEAC), provides some PLEI service funding through the Access to Legal Information Fund (ALIF), conducts and funds PLEI research.

PLEI services are also delivered by a variety of agencies with justice service mandates, including: Victim Assistance organizations; First Nation Band Offices; the Native Courtworker Association; the Elizabeth Fry Foundation; the Human Rights Commission; many agencies funded by the Law Foundation (Appendix C); and other cultural, consumer and/or community justice service associations that deliver PLEI activities as either part or an extension of their mandates.

A number of federal departments including Employment and Immigration Canada, Indian and Northern Affairs, Secretary of State and the new Cultural Development and Heritage Programs fund the development and delivery of specific PLEI services for newcomers or aboriginal people for example, or specific PLEI activities, such as PLEI research.

Ministry of Attorney General and the Department of Justice

Ministry staff have developed and maintained a number of positive PLEI relationships with the federal Department of Justice.

The ministry has been involved in the allocation and co-management of the Access to Legal Information Fund, established a close working relationship with the department's Research Division and co-funded several PLEI research initiatives.

National PLEI Policy Consultation

These formal relationships have resulted in close AG/Department of Justice interaction in many areas of national PLEI discussions. The ministry is currently involved in the department's national PLEI policy consultation process.

This process has identified the role of governments in PLEI as a major issue. According to the consultation, "there is agreement among governments, many legal practitioners, and organizations that produce public legal education and information (PLEI) that the public has the right to timely and accessible information about Federal and Provincial Laws and the Legal system."

In attempting to establish respective government roles, the consultation is asking participants:

- What should each government's role be in producing PLEI materials?
- Should governments play central roles in research, coordination or another activity?
- What should be the priority in allocating any new government funding for PLEI?
- What are your views on the portion of PLEI costs that should be borne by federal and provincial governments, law foundations and the private sector?
- What do you believe should be the role of the federal Department of Justice?
- What range of activities do you believe constitutes an appropriate role for governments - federal, provincial and local?

Involvement in this national consultation process, as well as the information and issues identified as part of this review, has provided the ministry an important opportunity to begin identifying, defining and managing PLEI programming and services.

PART THREE: REVIEW FINDINGS

An understanding of PLEI players, funding relationships and mandates are important factors in reviewing and assessing the ministry's role in PLEI. As part of this review process, information was gathered and exchanged with participants through a number of processes.

The Interview/Questionnaire Process

During interviews with ministry and branch representatives, discussion of the definition and purpose of public legal education and information programming preceded completion of a questionnaire. These steps ensured that all branches and agencies had an understanding of the scope of the review and their respective PLEI activities. As well, it enabled all participants to respond to the same set of questions on PLEI.

The questionnaire (Appendix B) consisted of 25 questions in six categories:

- *General* — opinions of PLEI services now being delivered in B.C.;
- *PLEI Direct Services* — activities or programs now being delivered by ministry staff, either strictly by the ministry alone or in partnership with other agencies;
- *PLEI Funding* — of both sole-purpose PLEI agencies and those which develop and deliver some PLEI as an extension of their core service mandates;
- *PLEI Coordination* — including ministry, inter-ministry and inter-governmental committees, and relationships with PLEI agencies;
- *PLEI Policies* — guiding the design, implementation and evaluation of PLEI activities and programs, and recommendations for future policy development; and
- *Other* — issues or activities that should be considered as part of the development of a strong ministry PLEI service.

General Comments

The first question asked for opinions on the delivery of current ministry PLEI services. The level and diversity of experience within the ministry generated a wide variety of responses, including:

- it is not always clear what PLEI means;
- the responsibility for PLEI programming is all over the place;
- ministry PLEI programming is ad hoc and fragmented;
- there are gaps in service delivery;
- it is not clear that PLEI provides value for money;

- PLEI programming is not carefully evaluated;
- PLEI programs are impressive and clearly becoming more sophisticated; and
- PLEI programming is evolving now to include aboriginal and multicultural communities and this is important.

These responses illustrate the fact that the scope of ministry PLEI services are not clearly understood, nor is the role that the ministry plays in the delivery of PLEI services to British Columbians.

PLEI Services

The review found a considerable amount of ministry PLEI activity in three primary areas:

- ***Direct Services*** — formally programmed and controlled by ministry staff;
- ***Partnership Services*** — involving ministry staff but co-owned or managed with outside agencies through core funding, direct grants, contracts and/or special project funding; and
- ***Support Services*** — ministry staff support, such as legal or justice system resources, for agencies conducting PLEI programming.

Direct Services

PLEI direct services programming takes place across the ministry. From the interviews conducted as part of this review, participants identified several areas, programs and/or services which they considered to fall under the broad definitions of PLEI. Some examples include:

- Corrections Curriculum Package — a reactive education program where Corrections Branch staff respond to community requests for presentations on the corrections system;
- Moderation Posters — a public information program where moderation posters are placed in Liquor Distribution Branch outlets to encourage moderate consumption;
- Courts Literature Distribution — a reactive Court Services Branch information program providing information materials through court racks in B.C. courthouses and Chilcotin Nation Band Offices;
- Consumer Education Solicitor — a proposed consumer education service of the Legal Services Branch for identified target audiences; and
- Criminal Gang Program — partly a pro-active public education and information program operated by the Community Justice Branch, focused primarily on preventing youth from being involved in criminal and youth gang activity.

Partnership Services

Court Services Branch is involved in delivering co-owned PLEI services through the:

- Courtwatching Program — a formal partnership with the Law Courts Education Society to provide public courtwatching and orientation sessions;

- Law Courts Open Houses — a formal partnership involving the Canadian Bar Association (B.C. Branch), several PLEI organizations and others organize educational open houses every year; and

- Native Justice Programming — a formal partnership with Law Courts Education Society to organize native justice education workshops in Court Services regions.

Support Services

Many ministry staff participate in PLEI activities organized by agencies outside of the ministry. For example:

- Probation Officers and other Corrections staff participate in a variety of community organized events including Law Day Open Houses, Law Camps, Careers education and community seminars;

- Crown Counsel participate in Law Day Open Houses, law camps and community seminars; and

- Legal Services Branch has provided consumer law educational services upon request to schools, community organizations and public legal education organizations such as the Legal Services Society and the Public Legal Education Society.

PLEI Funding

A review of existing funding and expenditure levels suggests that ministry funding for PLEI activities is between $5 million and $10 million annually.

Part of the reason for this large variance is the number and diversity of programs and funding relationships with PLEI agencies, including statutory funding, sole purpose funding, core service related funding, co-management and special project funding.

Statutory Funding

The Legal Services Society is an independent agency created under the *Legal Services Society Act* with a statutory mandate to deliver public legal services, education, advice and information about the law for the people of B.C.

The Community Justice Branch is responsible for the annual funding submission of the Legal Services Society.

The society's budget for 1992-93 from government was approximately $81 million ($14 million in federal funding and $67 million in provincial funding). Additional funds were received from the Law Foundation of B.C. and other funders.

Because the society is independent of government, the fulfilment of its statutory requirements is the sole responsibility of the society. The ministry is not directly involved in determining the society's PLEI budget or service delivery priorities.

In past years, the Legal Services Society has devoted over $1.5 million to communications and PLEI programs. Currently, the government appoints half of the society's Board of Directors while the Law Society appoints the other half. The structure of the society's board is currently under review.

Sole Purpose Funding

Two sole purpose PLEI agencies receive core funding from the Ministry of Attorney General:

- The Community Justice Branch, through the Community Services Division, provides close to $97,300 of funding annually ($58,000 core, $14,300 justice theatre, $25,000 ALIF match) to the Public Legal Education Society of B.C. (the People's Law School).

  The society is independent of government and has a Board of Directors of nine people elected annually by the society's membership. The society has an annual contract with Community Services Division for part of its core budget and presents an annual report to the Community Services Division. The society has also received special project funding from other parts of the ministry to undertake specific initiatives.

- Court Services Branch provides approximately $525,000 in core funding to the Law Courts Education Society. The branch also provides educational facilities and some support services for the society in the different court regions.

  To a great extent, Law Courts Education Society acts as an educational arm of the Courts. The society has a Board of Directors with three appointees from the ministry, three from the Judiciary, one from the Canadian Bar Association (B.C. Branch) and three community representatives from schools, multicultural and aboriginal communities.

  The society has an annual contract with Court Services Branch and provides an annual PLEI program plan and quarterly evaluation reports to Court Services Branch. The society also receives special project funding from other parts of the ministry to undertake specific initiatives.

Core Service Related Funding

The ministry funds a number of community agencies to deliver specific justice system services. Many of these agencies are involved in community PLEI related to their core service mandates. The ministry has not formally identified or coordinated information on which agencies are delivering PLEI programming with ministry funds.

- The Community Justice Branch — through the Community Services Division provides funding in excess of $12 million to approximately 57 ongoing grants and contracts.

Funded agencies include Sexual Assault Centres, Specialized Victims Services, the Allied Indian Metis Society, the B.C. Association of Specialized Victim Assistance Programs, the B.C. Borstal Association, four branches of the Elizabeth Fry Society, the Society for the Reform of Criminal Law, the John Howard Society, M2/W2 Christian Volunteers, the Native Courtworker and Counselling Association, and the Salvation Army Correctional Society.

Twelve of these core grants/contracts are to agencies where the ministry approves funding applications and receives evaluations and financial reports. Many of these agencies undertake some form of PLEI with or without ministry assistance. At present, there is no inventory of these agencies' related PLEI services.

- The Corrections Branch provides funding in excess of $22 million to over 400 program contractors. Of these, 18 program contractors receive funding in excess of $100,000 per year.

  Contractors include the Elizabeth Fry Society, Bader Holdings Ltd., Activators Society, Coastal Community Services, Salvation Army, John Howard Society, Pacific Legal Education Association, W. J. [illegible] & Associates Ltd., [illegible] & Associates Enterprises, Grant and Donna Smith, One Way Adventure Foundation, Sechelt Community Services Association, Cariboo Action Training Society, St. Leonard's Youth and Family Services Society, Focus Foundation of B.C., Interface Youth and Family Services, Matsqui-Abbotsford Community Services.

  The branch also provides more than $230,000 funding to Victim Reconciliation Programs. In addition, over $600,000 of funding is provided for the delivery of 22 assaultive men's treatment or offender treatment programs which are managed at the local level.

  Many of these agencies undertake some form of PLEI with or without ministry assistance. At present, there is no inventory of these agencies' related PLEI services.

Co-Management Funding

The ministry is involved in several co-management relationships with contracted agencies. In most instances, the ministry undertakes more management support than is provided to other contracted agencies.

Several ministry branches, including the former Police Services Branch, Corporate and Community Programs, and Criminal Justice Branch, are involved in the funding and management of Victim Services. In each case, the branch is directly involved in the establishment of qualifications and standards for service delivery and in the development and delivery of training programs for the staff of these contracted agencies.

- Community Services Division provides over $[illegible] million to approximately 80 Victim Assistance Programs, Specialized Aboriginal Justice Services, and Sexual Assault Centres.

Police Services provides over $1.85 million to approximately 91 police-based Victim assistance organizations and funds the B.C. Association of Police Affiliated Victim/Witness Organizations.

Police-based and Specialized Units have now been drawn together under the new Victims Services Division of the Community Justice Branch.

Additional funding is provided to the Native Courtworkers and the Chinese Courtworkers in Vancouver and to First Nations to study aboriginal policing.

As with other areas of ministry funding, no operational definition or monitoring of PLEI-related services has taken place to date.

- The Community Services Division of the Community Justice Branch sets the service delivery standards and operational policies for the Family Maintenance Enforcement Program (FMEP). This separate service is delivered by a private company contracted to the Community Services Division under the Director of Maintenance Enforcement.

  The division and FMEP have discussed a family maintenance awareness educational program. One of the issues to be considered is whether this educational program would be administered as a direct service, similar to Courtworkers, as a core service related program of FMEP or jointly with the management.

PLEI Coordination

Intra/Inter-ministry Coordination

Given the lack of a defined PLEI mandate for the ministry, it is understandable that there are no formal PLEI coordination mechanisms within the ministry.

However, coordination does occur regularly, both within the ministry and between ministries around specific program initiatives such as the Family Court Rules Committee, Family Justice Reform Committee, Inter-ministerial Committee on Criminal Gangs, Youth Justice Task Force, Inter-ministerial Committee on Aboriginal Justice and the Violence Against Women Task Force.

In many cases, PLEI initiatives are developed out of these coordinated inter- and intra-ministry initiatives. However, there are no policies or procedures to guide these committees with the design, implementation or evaluation of PLEI activities connected to their initiatives.

Ministry — PLEI Community Coordination

Ministry staff have participated in numerous PLEI coordination activities with outside agencies, including the:

- PLEI Funders Group, comprising representatives of the Law Foundation, Secretary of State, Vancouver Foundation, Multiculturalism and Citizenship Canada, Vancouver Foundation, Real Estate Foundation, the Legal Services Society and the Ministry of Attorney General, which meets three times a year to discuss PLEI funding issues and activities.

- PLEI Committee of the Canadian Bar, comprising representatives of the CBA, Legal Services Society, Law Foundation, Public Legal Education Society, Law Courts Education Society, Law Society, and the Ministry of Attorney General, which meets three or four times per year to discuss PLEI issues and activities;

- Law Related Education Committee, comprising representatives of Simon Fraser University, the University of B.C., the Social Studies Teachers Provincial Specialist Association of the B.C.T.F., the Legal Services Society, the Law Courts Education Society, LEAF, Human Rights Commission and the Ministry of Attorney General, which meets periodically to discuss legal education in the schools; and

- Ministry staff also play important roles in special PLEI committees established to discuss Multicultural Program Services and PLEI Research, and have been actively involved in the Public Legal Education Association of Canada (PLEAC). PLEAC is the national umbrella organization for PLEI service deliverers and many PLEI funders.

PLEI Policies

There are no formal PLEI policies in place within the Ministry of Attorney General. However, ministry briefing notes, the goals and objectives of specific initiatives, and terms of contracts for PLEI services can serve as a foundation for new policy development on service delivery, funding, standards, evaluation and coordination.

The 1990 Peat Marwick review of public legal education made a number of policy recommendations directed at the ministry as a major PLEI deliverer and funder, including recommendations for the ministry to:

- clarify its mandate in the area of PLEI;

- become more proactive in identifying the need for PLEI services;

- place increased emphasis on the evaluation of its own PLEI services and become more involved in the evaluation of PLEI services that it funds;

- work to support both the coordination of PLEI services and PLEI funders in the province;

- participate in an examination of PLEI small grants funding procedures;

- participate in the development of technical standards for PLEI materials and increase emphasis on pre and post testing of PLEI materials; and

- work with the Ministry of Education to clarify the roles and responsibilities of the two ministries and the roles and responsibilities that the ministries want to have assumed by funded agencies. This was also a recommendation of the 1988 *Access to Justice* report.

No coordinated effort was taken by the ministry to develop specific policies in response to the 1990 PLEI review, however two policy briefing notes were developed in an effort to begin clarifying some ministry PLEI issues.

The first dealt with funding: relations with external agencies; clarified the use of code 20, 80 and 82 funding by the Policy and Program Services Division for PLEI purposes; accountability; core funding vs. project funding; ministry-funded agency relationships; and evaluation.

The second provided a number of recommendations regarding the management of PLEI, including: different components of the ministry should take the lead on PLEI, depending upon the issue; ongoing core funding should be managed by the division or the branch with the relevant mandate; a corporate policy should be developed to guide ministry PLEI funding decisions; and a responsibility centre for liaison with PLEI agencies and determining PLEI priorities should be established.

It appears that the issues identified by both papers were never formalized into ministry or branch policy. However, both briefing notes provide useful background for the development of ministry policies in the areas of PLEI funding and ministry management of PLEI programming.

Training

The issue of the relationship of PLEI activities to ministry and justice system personnel training was raised several times during the review process.

Currently, the ministry is involved in several types of training (some connected to PLEI activities and services) which fall into four types:

- *Ministry Staff Training Programs* — are the programs operated by the branches and agencies of the ministry to ensure that staff receive the specific technical skills training required to perform their jobs and deliver ministry services.

  Primarily, this is done in two ways: through the Courts, Corrections and Police Academies of the Justice Institute which are funded to develop and deliver specific programs, and through the numerous workplace-based training activities of each branch and agency.

- *Staff Cultural Sensitization Training (Diversity Education)* — created in response to aboriginal justice and multicultural service needs throughout the ministry. This specialized "community bridging" staff training is growing in importance for government. In some cases, it has been implemented as special short term programming by a branch.

  Court Services has recently expanded its cultural sensitization for Court Managers to include the Chinese and Indo-Canadian Communities, and have formalized a partnership in this area with the Law Courts Education Society.

  Generally, these activities are viewed as an opportunity to also educate the aboriginal and specific ethnic communities about the justice system - becoming PLEI-related community education activities. In some cases, they also extend to be PLEI community training activities.

- *Agency Staff Training* — where the ministry is involved in the development and delivery of training to the agencies it funds as with the Victim Assistance Program.

To date, this has been accomplished by funding a curriculum produced by the Justice Institute and the organization of training seminars by contracted staff (or, more recently, by a ministry staff person specifically hired for this purpose). Training activities are aimed at providing specific service skills for funded agency staff or volunteers engaged in public user or client services.

Many of the funded agencies also deliver general public legal education as an extension of their direct service delivery. Any training related to this area is PLEI-related training.

- ***PLEI Training Activities*** — where ministry staff provide support for the delivery of PLEI training activities.

Frequently, ministry staff participate in professional development sessions for teachers organized by Legal Services Society, Law Courts Education Society, Public Legal Education Society and B.C.'s universities. Ministry staff also participate when requested in training sessions for legal secretaries, lawyers, immigrant settlement workers and others. Often, this involves visits to Courts, Corrections, police and other facilities.

PART FOUR: DEVELOPING A FRAMEWORK

Ministry Issues

Mandate

The Ministry of Attorney General, with a staff of approximately 8,000 people, is the single largest legal and justice system resource in the province. Over the years, ministry PLEI initiatives have grown to cover millions of dollars and involve thousands of hours of ministry staff time per annum.

This growth has occurred out of practical necessity, but without the development of a clear ministry mandate in the area of PLEI. Given the complexity of ministry activities and the fact that the ministry is only one of the many PLEI players in B.C., it is important that a clear ministry mandate be developed and formally adopted.

Relationship to Ministry of Education

In the past, ministry personnel have participated in the development and review of PLEI materials used by other ministries, most notably the Ministry of Education. The *Access to Justice* report acknowledged the importance of this relationship by identifying schools and general public education as a high priority.

Considerable ministry funding goes towards PLEI programming directed at B.C. schools. Currently, ministry funding is helping to support activities aimed at Law 12, Social Studies 11, Consumer Education 10 and 12, intermediate programming, some English as Second Language Programming and some French language programming.

Given the ministry's past participation in curriculum development activities for Law 12 students and the fact that tens of thousands of students are involved, the ministry should consider formalizing the relationship between the two ministries to coordinate legal education in the schools.

This issue was a specific recommendation of the 1990 PLEI review. The ministry may also want to explore similar relationships with other provincial ministries involved in the delivery of public education programming with legal content.

Coordination and Evaluation

It is important for the ministry to establish policies and/or procedures regarding the development, coordination and evaluation of ministry PLEI services. These are distinct functions which involve substantial dollars and staff time, and should have a more formal presence in the ministry.

This will assist the ministry's branches, as well as the community agencies it deals with, on how best to deliver direct PLEI services as part of the ministry's corporate agenda. The clarification of funding guidelines and evaluation policies will also enable the ministry to be more decisive about what services it should provide and what services are best developed and/or delivered by the various PLEI agencies, community agencies and other levels of government.

Operational Definitions

Public Legal Education vs. Public Legal Information

Ministry PLEI services may be further defined by distinguishing those services which are educational programs from those which are informational programs, depending on the nature of service delivery.

Public Legal Education — refers to systematic programming activities and programs designed to involve individuals and defined target groups in learning about the law and the justice system. PLE is generally pro-active and currently includes:

law-related education in the schools

organized courtwatching and simulations

free law classes

law day open houses

legal education conferences

law camps, and

print, audio and video materials designed to support the above

Public Legal Information — refers to those types of activities or programs providing the general public and selected target groups with information they may need or want to know about the law and justice system.
PLI is generally reactive and currently includes:

literature rack program

Legal Services Society library program

stand-alone information booklets, brochures, pamphlets

corporate program brochures or information leaflets, and

the Law Line and Dial-a-Law

Both types of programs can be used to provide either public legal literacy or public legal needs programming.

A Broad Approach to PLEI Programming

An important issue identified during the review is whether the ministry education programs which are designed to promote attitudinal change, fall within the general area of PLEI programming. Some initiatives include:

- the proposed family maintenance education campaign focused on changing public attitudes but this time towards family maintenance responsibilities and expectations;

- Crime Prevention programming, designed to assist community members to better protect their neighbourhoods and personal possessions from theft or vandalism; and
- Criminal Gang programs aimed at youth education to prevent involvement in criminal gang activities.

Operationally, they are all educational programs of a ministry with a combined legal/public safety mandate. For this reason, a broad definition of ministry PLEI programs will enable the ministry to work towards similar standards in programming and policy development, where possible.

PLEI Programming vs. Public User Services

Another issue identified during the review interviews concerned the demarcation line between PLEI and initiatives such as the ministry's small claims programs, which are user-friendly and provide plain language instructions to people interested in pursuing their own small claims matters.

Clarity on the parameters of ministry PLEI programming is critical to the establishment of a ministry PLEI service.

Some definitions of PLEI would see all ministry services to the public as PLEI programming. That is not the approach of this review. Operationally, it makes sense to separate the PLEI work of the ministry from what could be called ministry "public user services" — that is the majority of public work now being carried out by the branches and Client Services Unit of the Communications and Education Branch.

Ministry PLEI services should be aimed at supporting the development and delivery of legal literacy and legal needs programming for the general public, either as individuals or members of specific target groups.

PART FIVE: THE MAKEUP OF PLEI SERVICES

Communications and Education Responsibilities

Programming delivered by the ministry and aimed at specific clients such as identified target audiences, stakeholders and/or the general public as part of a direct public user service falls within the corporate communications of the ministry.

For example, general program pamphlets on the Victim Assistance Program or the Family Maintenance Enforcement Program which are aimed at the public in order to inform them about the direct services provided by the ministry are part of the corporate communications strategies of the respective branches or agencies.

Broader educational or informational programming aimed at assisting the general public in understanding the operation of a particular part of the legal system, their rights, the law or specific legal procedures fall within the realm of PLEI programming.

The identification and delivery of both types of services will have operational implications for how the Communications and Education Branch delivers PLIE programming.

Seven Components of PLEI Services

Building on existing services and expertise of the Communications and Education Branch Client Services Unit, as well as the experience of the other ministry branches involved in PLEI, seven components should be available from a ministry PLEI Unit.

The following seven components would cover the range of general PLEI services and provide a framework for ministry PLEI programming.

Internal PLEI Programming — in four primary areas:

> *Coordinating information* by providing a place where files on projects, programs and resources could be maintained for central access to what is going on in ministry PLEI programs.
>
> *Participating in PLEI development activities*, which would include assisting other branches and programs in the design, development and implementation of PLEI programming; can also extend to supporting the development of the resources necessary to implement ministry-based PLEI services.
>
> *Coordinating PLEI support activities*, such as research or inter-branch activities around specific projects, or the support of government personnel for activities of outside agencies in delivering public legal education and information.
>
> *Developing ministry policies*, short- and long-term objectives and evaluation; the PLEI section could develop plans for ministry-wide objectives in certain areas of public legal education on a long-term or multi-year basis. A possible ministry-wide objective of this type is the family maintenance education campaign now under discussion. This is an opportunity for long-term, ministry-wide and government-wide support for changing attitudes so that maintenance is no longer a questionable or optional thing but something that is expected of all adults in our society when they separate and there are children involved.

Resource and Support Services — involving the PLEI Unit acting as a resource to the Community Services Division, Courts Services or other branches of the ministry which are involved in funding agencies to deliver programs which are either sole purpose PLEI programs, or have PLEI components.

This component could be broken down into four primary areas:

> *Providing a central resource centre*, a repository for information on the types of materials and the services that are being developed and delivered.
>
> *Providing administrative support* to the funders of PLEI programs, including the development of policies regarding acceptable standards of service or materials provided by funded agencies, and information and assistance to these agencies in order to ensure that they meet those standards. This support might also include promoting the coordination between funded agencies and rationalization of service delivery and conducting PLEI evaluations of funded agencies to ministry funders.
>
> *Providing program development and implementation expertise* to co-management funded relationships to assist in the development, implementation and evaluation of systematic PLEI services.
>
> *Participating in the formalization and monitoring* of training to both existing staff supported and ministry funded PLEI training activities to ensure that the PLEI programming delivered is current and accurate.

Support for Sole Purpose PLEI Agencies

> *Serving as a support centre* for the coordination of networking activities between the major PLEI players.
>
> *Assisting in the consolidation* of experiences of the various agencies so that when new initiatives are being planned by government, the appropriate PLEI agencies are consulted on conceptualization and implementation issues.

Committees and Task Forces — where the PLEI Unit would assist both inter-ministerial and internal committees and task forces by:

> *Providing a coordination/information centre* for PLEI activities and resources being developed.
>
> *Assisting in the design and implementation* of PLEI initiatives identified by committees and task forces, where resources permit.

Relationships With Other Ministries — in two areas:

> *Acting as a coordination centre* to take stock of and track what PLEI-related activities are being funded and delivered by other ministries.
>
> *Serving as the official ministry representative* to other ministries in the area of PLEI programming (i.e., with the Ministry of Education regarding high school law programming).

Relationships With Federal Agencies — where the PLEI Unit serves as the ministry's representative to the federal departments involved in PLEI issues, policy development, program development, and coordination. This would ensure the establishment of formal relationships and ongoing networking with such federal players as the Department of Justice.

PLEI Project Consultants — where the PLEI Unit serves as a resource for identifying qualified and able PLEI contract consultants to assist both funded agencies and ministry personnel working on internal and inter-ministerial projects and programs.

PART SIX: RECOMMENDATIONS

A Ministry Definition of PLEI

It is recommended that the ministry define public legal education and information services as all forms of ministry delivered and/or funded educational or informational programming which are aimed at the general public to assist them to understand:

- their legal rights and responsibilities
- the law
- the operation of a particular part of the legal system
- specific legal procedures
- crime prevention
- public safety

Ministry PLEI Mission Statement

It is recommended that the ministry adopt a mission statement in the area of Public Legal Education and Information services.

This mission statement should include:

- recognition of the importance of PLEI services for all British Columbians;
- recognition that the ministry has the major responsibility at the provincial level for PLEI services;
- commitment to the development and delivery of quality PLEI services for all British Columbians;
- commitment to the delivery of PLEI services through a co-operative PLEI network involving the Ministry of Attorney General, other provincial ministries, PLEI and community justice/legal service organizations; and
- commitment to the development and delivery of timely and appropriate PLEI services for all communities of British Columbia.

Proposed Ministry PLEI Mission Statement

> The Ministry of Attorney General recognizes it is fundamental that all British Columbians have access to public education and information services that help them understand the law, their legal system and their legal freedoms, rights and responsibilities.

The ministry also believes that the justice system works best with informed members of the public who are able to understand and interact with the Canadian justice system effectively as witnesses, litigants, accused, advocates, or interested citizens, and have confidence that their justice system operates effectively and fairly.

The ministry will be responsible at the provincial level for ensuring that appropriate and timely public legal education services are available for all British Columbians.

The ministry fulfils this responsibility by encouraging the broadest possible cooperation in delivering PLEI services through a PLEI network involving the Ministry of Attorney General, other provincial ministries, PLEI and community justice/legal service organizations.

The PLEI Unit Mandate

It is recommended that the Communications and Education Branch's Public Legal Education and Information Unit adopt a distinct mandate for PLEI services, and that the new PLEI Unit be given the overall ministry responsibility to:

- coordinate the development, implementation and evaluation of ministry-wide PLEI policies and activities;
- act as the ministry coordination and information collection centre for all ministry-delivered or funded PLEI services;
- oversee the administration of all future PLEI services involving multi-branch/agency collaboration; and
- consult and develop evaluation measures and standards for ministry- and ministry-PLEI funded materials, services and programs.

PLEI Unit Priorities

It is recommended that the new PLEI Unit have two initial priorities: to establish a PLEI coordination service; and to develop ministry policies in the area of PLEI services.

The amount of work involved in formalizing the ministry's PLEI function could be extensive and could require numerous staff.

Given the current period of restraint, it would be prudent to start slowly and limit services to concentrate on the consolidation of the most essential ministry-wide PLEI objectives while meeting necessary, ongoing networking commitments.

Assuming a basic PLEI service of one manager and one support staff, initial services could include:

- ***Internal PLEI Programming*** — including the coordination of information, setting ministry objectives, evaluation and assistance with new programming;

- ***Resource and Support Services*** — including the coordination of information on PLEI programming offered by funded agencies and assistance with setting standards;
- ***Support for Sole Purpose PLEI Agencies*** — including networking, information sharing and PLEI research;
- ***Relationships with Other Ministries*** — including work with Ministry of Education on law-related education;
- ***Relationships with Federal Agencies*** — including networking and coordination of work on joint policy/program/research initiatives.

Branch/Agency PLEI Programming and Coordination

It is recommended that all PLEI services currently delivered or funded by ministry branches and agencies continue to be administered by those branches and agencies, and that each branch and agency involved in the delivery and/or funding of PLEI services appoint a Public Legal Education and Information Coordinator.

Ministry PLEI Coordinating Committee

It is recommended that the ministry establish a Public Legal Education and Information Coordinating Committee and that this committee be chaired by the Manager of the Public Legal Education Unit.

PUBLIC LEGAL EDUCATION AND INFORMATION REVIEW

APPENDICES

Appendix A:

References PLEI Studies

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Appendix B

Date ____________________ Branch ______________________________

Representative(s) ____

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PLEI QUESTIONNAIRE

GENERAL

1. What are your impressions of the way that PLEI services are being delivered to British Columbians?

PLEI DIRECT SERVICES

2) Does your Branch staff deliver any PLEI services?

3) Does your Branch provide any PLEI related support services such as PLEI research or staff resources for PLEI programs or activities managed by other agencies?

4) What problems have you encountered in either developing or delivering PLEI services in the past?

5) Is there someone (or several persons) who are responsible for the development, and the co-ordination, of PLEI related services supported by your Branch.

6) Are there any PLEI programs or components to existing other programs which your Branch would like to develop, funds permitting?

7) Would it be useful if a Ministry PLEI service could assist you in the design and implementation of any PLEI related activities in your Branch?

8) Would you be prepared to second staff with particular expertise (i.e. specific program development expertise, research, etc.) to work with the Ministry PLEI service to work on Ministry PLEI intiatives?

PLEI FUNDING

9) Does your Branch fund any sole-purpose PLEI organizations?

10) Does your Branch fund any organizations who develop PLEI informational materials and services as part of their mandate?

11) If your Branch funds outside agencies to conduct PLEI programs or activities, what criteria do you use to make your funding decisions?

12) Do you presently have the resources to evaluate the PLEI services being delivered with your support?

13) What problems have you encountered in funding the development or delivery of PLEI services in the past?

14) If you fund PLEI programs or programs with PLEI components, would it be useful to have a PLEI service monitor and assist funded agencies to ensure that agreed upon standards of service are developed and maintained?

15) Is there any other role that you can see for a Ministry PLEI service to assist your work in funding PLEI services?

16) In your opinion, are there any areas where a Ministry PLEI service should assume responsibility for funding PLEI services?

PLEI CO-ORDINATION

17) Is your Branch part of any Ministry committees working on programs or projects with PLEI components?

18) Is your Branch part of any Inter-Ministry committees which have or may have PLEI components?

19) Are people in your Branch aware of the sole purpose PLEI agencies which exist and other agencies which conduct major PLEI programs as part of their delivery of their respective core services?

LEGAL RESOURCE CENTRE
LEGAL SERVICES SOCIETY

20) Would it be useful if a Ministry PLEI service was to co-ordinate PLEI related activities within the Ministry?

21) Would it be useful if a Ministry PLEI service was to co-ordinate PLEI related activities between the Ministry and other Provincial Ministries?

22) Would it be useful if a Ministry PLEI service was to co-ordinate PLEI related activities between the Ministry and Federal counterparts such as the Ministry of Justice?

PLEI POLICIES

23) Does your Branch have any policies in place regarding the design, implementation and evaluation of PLEI programs and/or materials?

24) Are there any general policy areas which should be worked on to enhance the ability of your Branch and the Ministry to develop, deliver or fund PLEI services?

OTHER

25) Are there any other issues or activities that should be handled by this review as part of the development of a strong Ministry PLEI service?

Appendix B

PLEI QUESTIONNAIRE

GENERAL

1. What are your impressions of the way that PLEI services are being delivered to British Columbians?

PLEI DIRECT SERVICES

2) Does your Branch staff deliver any PLEI services?
3) Does your Branch provide any PLEI related support services such as PLEI research or staff resources for PLEI programs or activities managed by other agencies?
4) What problems have you encountered in either developing or delivering PLEI services in the past?
5) Is there someone (or several persons) who are responsible for the development, and the co-ordination, of PLEI related services supported by your Branch.
6) Are there any PLEI programs or components to existing other programs which your Branch would like to develop, funds permitting?
7) Would it be useful if a Ministry PLEI service could assist you in the design and implementation of any PLEI related activities in your Branch?
8) Would you be prepared to second staff with particular expertise (i.e. specific program development expertise, research, etc.) to work with the Ministry PLEI service to work on Ministry PLEI intiatives?

PLEI FUNDING

9) Does your Branch fund any sole-purpose PLEI organizations?
10) Does your Branch fund any organizations who develop PLEI informational materials and services as part of their mandate?
11) if your Branch funds outside agencies to conduct PLEI programs or activities, what criteria do you use to make your funding decisions?
12) Do you presently have the resources to evaluate the PLEI services being delivered with your support?
13) What problems have you encountered in funding the development or delivery of PLEI services in the past?
14) If you fund PLEI programs or programs with PLEI components, would it be useful to have a PLEI service monitor and assist funded agencies to ensure that agreed upon standards of service are developed and maintained?
15) Is there any other role that you can see for a Ministry PLEI service to assist your work in funding PLEI services?
16) In your opinion, are there any areas where a Ministry PLEI service should assume responsibility for funding PLEI services?

PLEI CO-ORDINATION

17) Is your Branch part of any Ministry committees working on programs or projects with PLEI components?
18) Is your Branch part of any Inter-Ministry committees which have or may have PLEI components?
19) Are people in your Branch aware of the sole purpose PLEI agencies which exist and other agencies which conduct major PLEI programs as part of their delivery of their respective core services?
20) Would it be useful if a Ministry PLEI service was to co-ordinate PLEI related activities within the Ministry?
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PLEI POLICIES

23) Does your Branch have any policies in place regarding the design, implementation and evaluation of PLEI programs and/or materials?
24) Are there any general policy areas which should be worked on to enhance the ability of your Branch and the Ministry to develop, deliver or fund PLEI services?

OTHER

25) Are there any other issues or activities that should be handled by this review as part of the development of a strong Ministry PLEI service?

Appendix C

LAW FOUNDATION

1992 Public Legal Education Grants

B.C. Branch, Canadian Bar Association
Support for Law Week public legal education activities around B.C. $9,500

Funding support for Dial-a-Law, a province-wide telephone services which provides free legal information to the public $156,110

End Legislated Poverty
To produce a provincial newsletter on poverty law issues and to organize monthly meetings of advocates working on poverty law issues.

Canadian Mental Health Association (B.C. Division) $26,704
Support for a community consultation in 10 B.C. communities to receive input on proposed reforms to the Mental Health Act.

Debate and Speech Association of B.C. $17,000
Continued support for high school students to participate in the province-wide Law Foundation Cup Debates on legal topics.

Federated Anti-Poverty Groups of B.C. $52,500
Sponsorship of 36 workshops in communities around B.C. on welfare law and other legal issues affecting low income people.

Japanese Community Volunteer's Association $6,500
Funding for the production of legal information pamphlets, booklets, and workshops in both Japanese and English.

Lay Advocacy Training $56,600
Grants to develop and sponsor an education and training program for Lay advocates providing legal assistance with the support of Law Foundation grants.

Nanaimo Women's Resources Society $4,500
Support for legal information workshops for disadvantaged women in the Comox Valley

North Island Women's Services Society $1,430
Support for a Legal Information Project for disadvantage women in the comox Valley

Organizing Committee for Lesbian and Gay Rights $21,500

Conference/Pacific Foundation for the Advancement of Minority Equality
Support for a national lesbian and gay rights conference held in Vancouver.

Plain Language Institute of B.C. $250,000
The final year of a three year grant to support an initiative to promote the use of plain language in government, business and the legal community.

Public Legal Education Society $281,000
The third year of a three year grant for the "People's Law School" to present law courses and legal materials to more than 20,000 members of the public in 67 communities throughout B.C.

Public Service Ads $76,000
Placement of public service ads in Yellow Page directories to inform the public about legal aid services, free legal information, and how to find a lawyer.

Spetz Publishing Ltd. $1,500
A grant to assist in the production of "Decisis" and "the Advocate", newsletter on current issues for teachers of Canadian law.

UVic Institute for Dispute Resolution $25,000
Support for a legal research and education project focusing on the causes of multicultural conflicts in British Columbia and the development of alternate dispute resolution approaches to their settlement.

Whistler Centre for Business and the Arts $90,000
A three-year grant to develop and deliver practical training for B.C. communities on consensus-based, multi-party negotiation as a means to resolve land use and resource conflicts, as an alternative to litigation.

Women and Work Research and Education Society $3,700
To reprint a booklet on how to file workers' compensation claims fore repetitive strain injuries.

APPENDIX D
REVIEW INTERVIEWS

During January and February, Rick Craig conducted 14 interviews involving 19 Ministry representatives to solicit feedback on the questionnaire.

1) January 11	Roy Dungey, Director, Community Programs Division, Management Services Branch
2) January 12	Brian Neal, Deputy Attorney General
3) January 13	Dennis Kam, Executive Director, Corporate and Community Programs Division, Management Services Branch
4) January 14	Jim Graham, Assistant Deputy Minister, Corrections Branch Steve Howell, Program Analysts, Management Services Division, Corrections Branch
5) January 14	Rick McCandless, A/Executive Director, Policy and Resource Analysis Branch, Management Services Branch
6) January 22	Bill Stewart, Assistant Deputy Attorney General, Criminal Justice Branch
7) January 27	Steve Rumsey, Assistant Deputy Minister, Motor Vehicle Branch Peter Whelan, Director, Planning and Corporate Development Division, Motor Vehicle Branch Jamie Schmidt, Director of Traffic and Safety Programs Department, Motor Vehicle Branch
8) January 27	Sandra Evans, A/Director, Court Management Services, Court Services Branch Virginia Day, A/Director Program and Project Implementation, Court Services Branch
9) February 1	Charlie Ruddick, Executive Director, Purchasing, Communications and Policy Department, Liquor Distribution Branch Leslie Myers, Manager of Communications Department, Liquor Distribution Branch
10) February 8	Susanne Dahlin, A/Program Analyst, Community Programs Division, Management Services Branch
11) February 9	Judy Wayne, Deputy General Manager, Special Operations, Liquor Control and Licensing Branch
12) March 3	Wendy Taylor, Criminal Gangs Program Director, Community Services Division, Management Services Branch
13) March 23	Norm Brown, Program Manager, Community Auxiliary Police Programs, Police Services Branch
14) March 31	Mary Audley, Policy Analyst (Victim Assistance), Police Services Branch.

Rick Craig conducted an additional meetings or conversations with both Ministry and non-Ministry personnel to examine specific issues of concern to this review.

1) January 7 Ab Currie, Chief, Public Law and Access to Justice Research Section, Department of Justice
2) January 21 [illegible] Richelson, Program Manager, PLEI Section, Department of Justice
3) February 6 Pat Rose, Dean, Interdisciplinary Studies Department, Justice Institute of B.C.
4) February 10 Christine McKnight, A/Associate Director, Communications and Education Branch
Claudia Smith, Communications Manager, Communications and Education Branch
5) March 3 Jane McFadgen, Executive Director, Law Foundation of B.C.
6) March 10 Derek Edwards, Communications Manager, CounterAttack
7) April 2 Gordon Hardy, Executive Director, Public Legal Education Society of B.C.
8) April 2 Catherine Coulis - A/Program Analyst, Corrections Branch
9) April 6 Wayne Peterson, A/Executive Director, Corporate Planning Branch
10) April 6 Chris Errington, A/Executive Director, Community Justice Branch

APPENDIX C

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- Questionnaire (English and French)
- Multivariate Analysis Technical Note

Appendix C

Executive Summary

- Justice Canada commissioned COMPAS to conduct a survey among Canadians to explore their attitudes and behaviour with respect to legal information and assistance. A total of 1,502 interviews were completed by phone at the end of March. Based on a sample of this size, the national results could be considered to be accurate to within +/- 2.6%, 19 times out of 20 (most conservative estimate).

Contextual information

- Participants identified youth crime (17%) and tougher sentencing (11%) as the most important justice-related issues facing Canadians at this time. Also cited with some frequency were unfair treatment or perceptions of judicial prejudice (6%), the cost of the justice system (5%), and a lack of confidence in the system (5%).

- When asked to identify the most important justice-related issue facing them or their family at this time, 74% did not identify any issues (61% said there were no issues, while 13% did not provide a response). Small numbers (3% or less) identified youth crime, family law issues, human rights issues, native rights and discrimination.

- Canadians differ in their perceived knowledge of the justice system in Canada. That said, most see themselves as not very well informed in this area. Using a 7-point scale (1 = not knowledgeable at all; 7 = very knowledgeable), 72% offered middling scores (i.e. scores of 3-5), suggesting limited knowledge of the system. Relatively few (9%) consider themselves to be well informed about our laws and courts, while almost one-in-five view themselves as poorly informed (scores of 1-2) in this area.

- Confidence in the justice system also varies considerably. Using a similar 7-point scale, participants were asked to rate their level of confidence and trust in the justice system in Canada (1= no confidence at all, 7 = a great deal of confidence). While nearly half (46%) expressed confidence in the system (i.e. positive scores on the scale), they were much more likely to express moderate, not strong confidence. Almost one-third (32%) expressed a lack of confidence in the system, offering scores below the scale's mid-point. The remainder, 22%, were right in the middle.

Past Behaviour and Information Needs

- Just over half (52%) said they have never needed legal information or assistance for any reason, while 48% said they have. Among those who have needed legal information or assistance, over half (57%) needed both. The rest were more likely to require information (27%) than assistance (16%).

- Participants who required legal assistance most often needed help with real estate transactions (22%) or separation, divorce or custody issues (21%). Similar numbers needed advice or counselling (20%) or representation in court (17%), while many also required assistance making a will (12%).
- Participants who required legal information most often needed information in the same two main areas: related to real estate transactions and separation, divorce, or custody issues (20% each). A significant number (17%) simply needed general information.
- 71% rated the legal information they received as useful (7-point scale: 1 = not useful at all; 7 = very useful), with over half (54%) describing it as very useful (scores of 6-7). At the other end of the spectrum, almost one-in-five (18%) rated the information as not very useful to them (offering scores below the scale's mid-point).
- By a wide margin, lawyers were the most common source of legal information or assistance. Two-thirds (67%) of those who needed legal information/assistance said they went to a lawyer to get it. This was followed, at a distance, by 16% who visited a legal aid office, many of whom likely also dealt with a lawyer for their needs. All other sources of information or assistance were identified by small numbers.
- Slightly more than three-quarters (77%) said they received all of the information or assistance they needed, while an additional 13% received part of what they needed. Ten percent did not receive what they needed.
- 75% of participants who have not previously needed legal information or assistance for themselves or their families said they knew where to go if they needed it. Conversely, 23% did not. Those who said they would know where to go for legal information or assistance were asked to specify where. Their responses mirrored those given by participants who had previously sought legal information/assistance. Almost three-quarters (72%) would go to a lawyer. This was followed, at a distance, by the Internet (13%), a legal aid office (11%), a friend or family member (10%), the Government of Canada (7%), and police or a police station (6%) (multiple responses accepted).

- All survey participants were asked whether they have ever needed legal information or assistance for any of the following situations for themselves or their families. Participants' personal experiences varied widely by subject area:

  - ✓ 53% needed information or assistance with a real estate transaction.
  - ✓ 38% required it for making a will.
  - ✓ 24% for a separation, divorce, child support or custody issues.
  - ✓ 14% for a criminal case of any type.
  - ✓ 11% for going to court for a civil case, such as collecting a debt or for an employment matter.
  - ✓ 7% for victims' rights.
  - ✓ 6% for family or domestic violence.
  - ✓ 5% for human rights issues.

  One-quarter have not needed assistance or information for any of these.

Awareness and Interest in PLEI

- 76% said they were not aware of any organizations in their community that provide legal information and education (PLEI) to the public. Conversely, almost one-quarter (23%) said they were aware of such organizations. Among the latter, the types of organizations identified most often were legal aid clinics (28%) and community agencies (20%). Also identified with some frequency (7-10%) were schools/school boards, legal or law societies, municipal government, libraries, and police or police stations.

- 66% of people who claimed to be aware of organizations in their community that provide PLEI have never personally received this type of information or service. Conversely, one-third said they have.

- 82% of those who have received information or assistance from a PLEI provider in their community expressed satisfaction with the information or assistance received (7-point scale: 1 = very dissatisfied; 7 = very satisfied). Over half (59%) expressed *strong* satisfaction. Most of the rest were neutral, not negative.

- All participants were asked how interested they were in legal information to help them better understand how laws affect them and their families, and to help them deal effectively with the justice system in Canada. In response, over half (59%) expressed some measure of interest in PLEI, with 36% expressing strong interest. However, exactly one-quarter exhibited a clear lack of interest (i.e. scores below the neutral point), while a further 15% were neutral, also suggesting a lack of interest.

Information Needs

- When asked in an open-ended fashion what types of legal issues were most relevant to themselves and their family, either now or in the foreseeable future, participants tended to identify issues related to the domestic realm (i.e. the household). These included real estate (18%), making a will (16%), and family law (11%). All other issues were identified by 7% or less.

- Participants were asked to use a 7-point scale (1 = not useful at all; 7 = very useful) to assess the relevance to them or their family of different types of information, either now or in the foreseeable future. Not surprisingly, perceived usefulness varied by type of information:

  - ✓ 62% attributed relevance to employment law.
  - ✓ 60% to human rights and related issues.
  - ✓ 54% to victims' rights.
  - ✓ 51% to youth justice and sentencing issues.
  - ✓ 47% to family law issues, such as separation, divorce, child support and custody issues.
  - ✓ 46% to alternatives to courts, such as mediation or alternative dispute resolution.
  - ✓ 44% to alternative sentencing options, such as community service.
  - ✓ 42% to family or domestic violence.

- The Internet (33%) and lawyers (28%) were the two sources identified most often when participants were asked where they would prefer to obtain relevant legal information. These were followed at a distance by community agencies or centres (11%), libraries and books (10%), municipal governments (9%), and court buildings (7%).

- Asked to rate various locations in terms of their usefulness as places to obtain information to help them better understand the justice system and how law affects them (7-point scale: 1 = not a useful location at all; 7 = very useful location), participants offered the following assessments:

  - ✓ 83% attributed usefulness to agencies that serve new immigrants to Canada (asked to new Canadians only).
  - ✓ 79% to native friendship centres, bank councils or other Aboriginal groups (asked to Aboriginal Canadians only).
  - ✓ 63% to government organizations and offices.

- ✓ 60% to youth groups or organizations (asked to youth only).
- ✓ 57% to legal aid clinics (asked only in Ontario and BC).
- ✓ 57% to community agencies or centres.
- ✓ 53% to schools and school boards.
- ✓ 53% to women's organizations and shelters (asked to women only)
- ✓ 51% to community radio or TV.
- ✓ 36% to community events, such as fairs or exhibits.
- ✓ 30% to non-governmental organizations, such as the Elizabeth Fry Society or the John Howard Society.
- ✓ 29% to church groups.

Related Attitudes

- The vast majority of participants (90%) think it is important that governments in Canada provide information to help people understand how laws affect them and enable them to participate effectively in the justice system (using 7-point scale: 1 = not important at all; 7 = very important). Moreover, 77% rated this as *very* important (i.e. scores of 6-7), with 59% offering the highest score possible.

- Despite widespread perceptions of the importance of PLEI, participants were divided when assessing government performance in this area. Using a similar 7-point scale, only one-third felt that governments in Canada are doing a good job in this area. At the other end of the spectrum, 38% provided negative assessments. One-quarter were neutral, while an additional 5% did not offer any assessment.

- Asked to use a 7-point scale to rate their understanding of the justice system in Canada, including how laws affect them, most offered scores in the middle of the range – 72% provided ratings of 3-5. Relatively few (13%) felt their level of knowledge was very good (scores of 6-7) or very poor (14% provides scores of 1-2).

- A majority of participants agreed with various statements about the justice system (7-point scale: 1 = strongly disagree; 7 = strongly agree), although the level of agreement varied

  - ✓ 84% agreed that in order to be responsible citizens, people need to understand how laws affect them and to be able to participate effectively in the justice system.
  - ✓ 79% that providing legal information and education can improve access to justice for those who traditionally have been at a disadvantage when dealing with the justice system, such as low-income Canadians, new immigrants, Aboriginal people or people with disabilities.

- ✓ 76% that informing Canadians about the laws that affect them strengthens public confidence and trust in the justice system.
- ✓ 66% that the justice system works well for people with money or education, but does not work very well for disadvantaged people.
- ✓ 60% that here is a high level of public distrust of the justice system in Canada.

Communications and Information Preferences

- Participants were asked to identify the form in which they would prefer to obtain public legal information so that it is most useful to them. People identified a range of different forms. However, two dominated – almost half (46%) prefer to obtain such information as print material or brochures, followed by just over one-third (37%) who identified the Internet or electronic information (multiple responses accepted). Also identified with some frequency were video/audio-visual material (16%) and personal contact (14%).

- Following this, participants were read a list of ways in which legal information and education could be provided to the public and were asked to rate the effectiveness of each method for themselves personally (7-point scale: 1 = not effective at all; 7 = very effective). A majority of participants viewed each of these methods as effective, but the size of the majority varied:

  - ✓ 81% attributed effectiveness to 1-800 help-lines, which people could call to obtain information about our laws and justice system.
  - ✓ 78% to the creation of libraries or resource centres to provide free access to legal information in different cities.
  - ✓ 78% to education programs in schools.
  - ✓ 76% to electronic information through the Internet.
  - ✓ 69% to print material, such as brochures.
  - ✓ 60% to seminars or workshops in their community targeted to specific groups, such as new Canadians or Aboriginal Canadians.
  - ✓ 58% to audio-visual materials, such as videos or audio tapes.
  - ✓ 58% to seminars or workshops in their community on specific legal issues.

- Participants were asked what the Government of Canada could do to improve the level of understanding that people have about the justice system in Canada, including how laws affect them. While people offered a variety of suggestions, the ideas provided tended to be general rather than specific. The suggestion offered most often was simply providing more information (27%). Following this, in declining order of frequency, were better education (13%), use of television (11%), easier access to resources (10%), simplifying the laws (8%), and offering seminars or lectures (6%).

Demographic Variations

- Aboriginal Canadians were more likely than others to need legal information or assistance, and to use legal aid offices to get it (and less likely to use lawyers). They expressed less confidence in the justice system, and routinely expressed higher levels of interest in the various types and sources of legal information, as well as the different potential methods to provide PLEI. Aboriginal Canadians also tended to be more aware of PLEI organizations in their community and to use them, and expressed more interest in legal information to better understand how laws affect them and their families.

- Differences in the views of new Canadians (people who have lived in Canada for five years or less) versus those of others were generally not pronounced. There were essentially no differences in the types of legal issues that were most relevant to respondents or their families. New Canadians were only slightly less likely to view themselves as knowledgeable about the justice system in Canada, and were more apt to express confidence and trust in the Canadian justice system. New Canadians were less apt to say they needed legal information/assistance with any of the specific areas explored in the survey, especially making a will, separation, divorce or custody issues, and a criminal case of any type. And new Canadians were more likely to rank as very useful information about employment law, alternative sentencing options, and human rights and related issues.

- Low-income Canadians ($30,000 or less) were less likely to have needed legal information or assistance in the past. When in need, they were more likely to go to a legal aid office and less likely to use a lawyer. Low-income respondents were less likely to express satisfaction with the information/ assistance received, whether PLEI or otherwise. They expressed greater interest in legal information to better understand how laws affect them and their families. They were more apt to view all legal issues as relevant to them and their families, to attribute greater levels of usefulness to the various PLEI sources, and to view as effective the various methods of receiving PLEI.

- The youngest cohort (16-24 years old) was less likely than other age groups to need legal information or assistance and less likely to go to a lawyer to get it. They expressed more confidence in the justice system, and were more likely to rate as useful schools/school boards (and less likely to view NGOs and community agencies/centres as useful). They were more apt to rate education programs in schools as an effective method of providing PLEI. Youth were the least aware of

PLEI organizations in their community, but were proportionately more likely to have received information from such organizations.

- Men were slightly more likely to have needed legal information or assistance in the past. To varying degrees, women were more likely to have required it for separation, divorce or custody issues, making a will, and with real estate transactions. Men were more apt to need legal representation in court and general advice or counseling. Men and women expressed similar levels of awareness of PLEI providers in their communities. Women were slightly more apt to have used PLEI (no difference in satisfaction levels), and to express greater interest in it. Women were more likely to view the various types and sources of PLEI as very useful, and to rate as very effective the different methods in which it can be provided.

- Respondents with university education tended to express higher levels of confidence in the justice system. They also expressed higher levels of awareness of organizations that provide PLEI and were more satisfied with the information or service received. They were more likely to express strong interest in legal information to better understand how the laws affect them and their families. They were more likely to view their understanding of the justice system as very good, and were less apt to view the various methods of providing PLEI as useful. Respondents with high school education were less apt to have received PLEI, were more likely to view all types of legal information as useful, and were more likely to view schools and school boards as a useful source of legal information.

- Quebecers were less likely to have needed legal information or assistance in the past. They also tended to attribute greater usefulness to the various sources of information about the justice system. Residents of Quebec and BC expressed more interest in legal information to better understand how laws affect them and their families. They were also more likely to view the various types of legal information as very useful. residents of Quebec and the Prairies expressed less confidence in the justice system. BC residents were more aware of organizations that provide PLEI and were more likely to use them.

Multivariate Analysis

- Numerous multivariate analyses were performed to better understand the needs, orientations and perceptions of Canadians with respect to PLEI. Models that focus on the organizational and media/format delivery of PLEI are much more powerful than models explaining more general perspectives on PLEI. What this means is that

Canadians appear to have fairly structured systems or frameworks for viewing and thinking about PLEI delivery. Their assessments of the details of information dispersal are well embedded in a variety of demographic and experiential drivers. More general opinions, interests and evaluations concerning PLEI are not as distinctly embedded in drivers that reflect personal characteristics and experience.

- When we look at the performance of specific drivers across the models, there are some striking consistencies. Some of the most noteworthy ones are:
  - In every final model, gender has a significant impact. Women consistently show more interest in PLEI, attribute more importance to PLEI, have more positive evaluations of government performance regarding PLEI, and have higher acceptance of a variety of PLEI delivery organizations and media. So, it appears that women may be well served by existing activities in this area, but probably have an appetite for additional PLEI activity.
  - In all but one of the models, there was a negative income effect. Higher income people tend to place less value on PLEI, and to have lower evaluations of and to not favor a wide variety of organizations and media forms for PLEI delivery. This may be related to tax issues, in which high-income people are not interested in expanding the delivery of services because this may ultimately have indirect tax pressure implications. At the other end of the spectrum, it may well be that lower income people are more concerned with finding alternative sources of information outside of conventional fee-for-service legal services arrangements.
  - The disabled are associated with three negative effects. They stand out as a segment of the population that has a low evaluation of government PLEI performance, and low evaluations of the usefulness of a variety of delivery organizations and media. This is clearly one group that may need further consideration to determine modes of delivery and information dispersal that would be more applicable to them. Other groups, such as new Canadians and visible minorities, are less likely to have significant effects but, when they do, they tend to indicate a positive disposition towards PLEI and towards its delivery through conventional mechanisms. Aboriginal people run somewhat counter to this pattern, but not as strongly as the disabled.
  - Interestingly, past use of legal information/assistance tends to have a negative, albeit not dominant, influence in most models. The exception to this seems to be previous use of information/assistance in the area of human rights. There are various possible interpretations. It may mean that people who have had experience with basic fee-for-service legal services were generally satisfied and don't have elaborate needs beyond that. It may also suggest that more positive orientations toward PLEI rely on an interest in some of the more activist and topical areas of the law. It might also indicate a basic skepticism about PLEI

providing more quality than that associated with earlier negative legal experiences.

- Alternatively, ratings of future needs for information in various areas of law, as opposed to past use, tend to have positive influences in most models. This may mean that current and future needs might be defined more expansively than past usage of legal assistance/information would suggest. It may mean that there are segments of the population with an interest in legal policy issues above and beyond the ones connected with basic property and estate transactions.
- Not surprisingly, indicators of interest in PLEI and self-evaluations of knowledge about the justice system are often major drivers in models.
- Finally, it should be noted that age did not have a significant impact in any of the models. It is fairly certain that age is not one of the more important drivers of PLEI perceptions, evaluations and delivery preferences.

Conclusions and Implications

The findings point to a population that is largely "unengaged" in justice issues, on both a personal level and in their role as citizens or residents of Canada. Not only are almost three-quarters of survey respondents unable or unwilling to identify any justice issues of relevance to them or their family at this time, one-third do not identify any issues of importance to Canadians as a whole. As well, the issues that were identified tend to reflect the substance and tone of justice-related coverage that appears with some regularity in newspapers – youth crime, the need for tougher sentencing, and perceptions of unfair treatment or bias in the courts, which is linked to a lack of confidence or trust in the justice system.

In terms of understanding or knowledge of the justice system in Canada, few see themselves as being well informed. Most characterize their level of knowledge of the justice system, including how laws affect them and their family, as moderate to low.

While almost half the surveyed population have needed legal information or assistance in the past (most of whom were in need of both), this assistance has tended to focus on "domestic" issues, such as real estate transactions, making a will or family law issues (divorce, separation, custody, etc.). Relatively few have needed legal support in other areas. In short, the breadth or scope of the legal requirement has tended to be relatively narrow for most people.

In terms of who they turn to when in need of legal support, the vast majority go to lawyers, followed at a distance by legal aid offices (also lawyers). The same is true for people who have not yet needed legal assistance (i.e. most would go to lawyers or legal aid). And when people do use lawyers, most are largely satisfied with what they receive, and get all or almost all of what they need.

In essence, people almost exclusively link the need for legal information and/or assistance with the traditional gatekeepers of the justice system – lawyers. This suggests the need to expand people's perspective or horizon in terms of how they view the justice system in Canada. Otherwise, most will simply not look for or consider other organizations that provide legal information, such as PLEI providers, since these are not even on their 'radar screen'.

When the focus is directly on PLEI – sources, types, and formats or media – we find low awareness and mixed levels of interest. Less than a quarter were aware of organizations in their community that provide PLEI (and the organization that tops the list is, again, legal aid clinics), and fewer have received information or service from a PLEI provider – only 8% of the full sample, many of whom received PLEI from a legal aid office. Other than community agencies in general, no other organizations were identified with any frequency (schools were cited, but mostly by youth).

Interest in PLEI, including sources, types and formats, varies considerably across the different demographic groups. As such, some of the most useful, actionable information in this survey lies in the subgroup and multivariate analyses. These provide guidance in terms of who is interested in what, from whom, and in what form.

The findings indicate that organizations that service specific groups, such as new Canadians, Aboriginal Canadians, youth or women, generally rate higher among the target populations they serve than other potential PLEI providers. Despite this, the multivariate analysis indicates that the target populations still view as useful some of the more "generic" types of organizations. That said, funneling PLEI through audience-specific organizations does appear to be an effective method to get PLEI to those who need it. Some potential providers rate poorly in terms of perceived utility, including church groups, NGOs and community events.

In terms of the potential subject areas for PLEI information, interest levels varied considerably. While the same was true for the methods or formats that could be used to distribute PLEI, each of these was rated positively by 60% or more. Clearly, all of the delivery methods appealed to Canadians. Heading the list was 1-800 help lines. This suggests a desire for customized information that suits people's specific needs or circumstances, something that could be obtained, at least in some measure, through real-time access to a person who could answer questions and direct people to resources best suited to their needs. There was also strong interest in the creation of library resource centres, education programs in school, and electronic information through the Internet. The use of audio-video aids was also suggested.

While Canadians attribute a significant degree of importance to the provision of PLEI (virtually a consensus), most offer moderate-to-poor grades to governments in Canada for their performance in this area. Given people's limited awareness and knowledge of PLEI-related issues, one suspects that such assessments are not well grounded, but are rather based on perceptions of a population, including themselves, that is not well informed about the laws in Canada, including how they affect them/their families, or issues related to accessing the justice system.

From the attitudinal measures included in the survey, it is clear that people make a link between the availability/provision of PLEI and the accessibility of the justice system to Canadians, including disadvantaged Canadians. They also draw a link between an informed public and increased confidence and trust in the system. With respect to the latter, it was evident from the data that the population is quite divided in terms of their level of confidence in the justice system (although most are somewhere in the middle, expressing neither strong confidence nor distrust).

Taken together, the results paint a portrait of a Canadian population that does not tend to see justice issues as directly related to them or their family, other than for "domestic" matters, that tends to use traditional service providers (lawyers) for their legal needs when they arise, has low awareness and knowledge of PLEI, expresses mixed levels of interest in PLEI, attributes significant importance to it, and views PLEI as important in terms of facilitating access to the justice system, and perhaps even increasing confidence in it.

In terms of the detailed analyses that were performed on the data, these suggest that special analytical attention probably needs to be devoted to groups such as the disabled in order to determine what special or unique needs they have in the area of legal information/service delivery. The consistently lower PLEI orientation of men also deserves further reflection and may provide a potential growth area if properly understood. In addition, the income effect could bear further exploration in order to determine if it is essentially a reflection of tax apprehension. Finally, it may be of some use to consider if those who are particularly positively oriented towards PLEI are primarily interested in the more policy-oriented areas of law rather than the day-to-day transaction aspects of law and legal services. If this is the case, it could either suggest a way of clarifying the mission of PLEI agencies, or it could suggest ways of expanding the focus of such activities to include more common and established legal information needs.

Looking at the responses of different segments of the population, we see that women, visible minorities and new Canadians are more likely than others to rate as useful the various delivery agencies. This does not mean that these groups would not want special agencies focused on them. However, it does mean that they would find a variety of conventional agencies, other than those specially focused on them, to be useful.

Alternatively, Aboriginals and disabled people tend to rate the usefulness of the delivery agencies lower than others. In the case of Aboriginals, this probably means that they would prefer agencies specifically focused on them. It is also likely that the disabled would prefer special delivery agencies for their group. In any case, these findings and interpretations make some sense in light of the special arrangements that have been made for natives in the justice system already and in terms of the geographic concentration of Aboriginal populations. Respecting the disabled, the whole question of access issues probably drives the results here.

Respecting demographic and socio-economic effects, we see a negative income effect – the higher the income, the less 'positive' the assessment of PLEI-related issues (e.g. sources, types, forms). As noted elsewhere, this may be related to tax apprehensions. An aspect of the socio-economic effects that is unexpected is that there is also a negative impact by level of education. This is not common in multivariate models. It may be that the more highly educated think that they can gain whatever information/service they need from distribution methods outside the realm of social or governmental agencies. They may be looking for modes of delivery that are not mediated by direct contact with organizations. For example, the highly literate and educated could probably make do with access to printed material and Internet access not connected to specific types of organizations.

Finally, we see an impact related to household size. The positive nature of this suggests that the higher the number of people in a household, the wider the variety of needs for information and the greater the general rating of usefulness for a variety of delivery organization types.

There is a general absence of age as an important factor in terms of attitudes related to PLEI. There do not appear to be continuous variations across generations in perceptions of the way PLEI should be delivered. There may be more discrete or "chunky" generational or differences, but there is no clear impact arising from the whole age spectrum, including a specific focus on youth.

Introduction

Justice Canada commissioned COMPAS to conduct a survey among Canadians to explore their attitudes and behaviour with respect to legal information and assistance.

Background and Objectives

Justice Canada currently undertakes a variety of public legal education and information activities in support of its mandate. This includes:

- Annual funding to one organization in each province to undertake public legal education and information (PLEI) activities in areas of priority for that province.
- Providing grants to a variety of PLEI organizations and other NGOs to undertake specific PLEI projects.
- Funding to organizations through special initiatives programs to provide PLEI information and services in support of the program initiative objective.

PLEI activities include printed material, workshops, face-to-face information exchange, school programs, and web-based information.

PLEI is aimed at:

- People working within the legal system (police, court workers, etc.) to help these professionals gain a better understanding of people's needs when accessing the justice system (e.g. accessibility needs for people with disabilities, victims needs, cultural diversity issues). (This audience is not included in this present research).
- The general public, with specific emphasis on those most in need (e.g. low-income, new immigrants/refugees, aboriginal people, other minority groups).

The purpose of this study is to provide Justice Canada with information on the public's views, understanding, need and desire for public legal information and education, their awareness of and views about PLEI programs across the country, and their opinions about the role of the government in providing Canadians with legal information and education.

Specifically, some of the issues that Justice Canada wanted to explore include:

- Is the public aware of PLEI programs in their communities?

- Do people know where to get PLEI information?
- How do people prefer to receive legal information, and from whom?
- What legal issues are most relevant to them, and what kind of information is most useful?
- What role, if any, do they see as appropriate for the federal government to play in relation to PLEI?

This included a focus on youth issues as they relate to PLEI programs, information and needs.

To date, Justice Canada has met with service providers to get their views on the needs, uses and gaps in PLEI programs across the country. There was broad consensus that, increasingly, there is a need for PLEI organizations to provide their clients with justice-related information and to help them access the justice system. Very little investigation, however, has been done with the direct users of the information – members of the public – with respect to their awareness of PLEI programs, their specific information needs or concerns, and their views about the role of the federal government in terms of providing or supporting the provision of legal information and education to the public.

For these reasons, Justice Canada wanted to undertake a national survey to address these issues. The results will be used to inform the Department's work on a "vision paper" that will include recommendations on the federal government's role in relation to PLEI, as well as how to strengthen the role of PLEI programs in Canada.

Research Design

To address the research objectives and information needs identified above, a survey of Canadians was undertaken by COMPAS. A total of 1,502 interviews were completed by phone at the end of March. Based on a sample of this size, the national results could be considered to be accurate to within +/- 2.6%, 19 times out of 20 (most conservative estimate).

The following specifications applied to this project:

- The survey averaged 21 minutes in length.
- Oversampling was undertaken to provide for 160-250 completed interviews with each of the following groups:
    - Youth (aged 16-24) (N= 278)
    - Aboriginal Canadians (N= 212)

   - Recent immigrants (arrived in Canada within the past five years) (n= 161, 115 of whom have lived in Canada for three years or less).

  To achieve this oversampling, targeted sample was used once random calling yielded approximately 1,000 completed interviews. Parents of youth 16-17 years of age were asked to provide consent before the youth would be interviewed.
- Regional quotas were used for the general sample to ensure that the results are proportionate to the Canadian population by region.
- The final data was weighted by region and age to maximize the extent to which the results are representative of the Canadian population as a whole.
- Only one version of the questionnaire was used. It was developed in close consultation with Justice Canada and addressed the issues identified above.
- Standard industry screening applied (i.e. media, market research, etc.).
- A pre-test was conducted in both official languages (15 in English, 15 in French).
- The calls were conducted during evenings and weekends, using VOXCO's "Interviewer" CATI technology.
- We conducted up to eight call-back attempts per sample record.
- All research activities were conducted according to CAMRO and PMRS standards (the industry and professional associations).
- The survey was registered with the Canadian Survey Research Council.
- Sponsorship of the study was not revealed (i.e. Justice Canada).

Appended to this report are copies of the questionnaire in both official languages, as well as the Multivariate Analysis Technical Note.

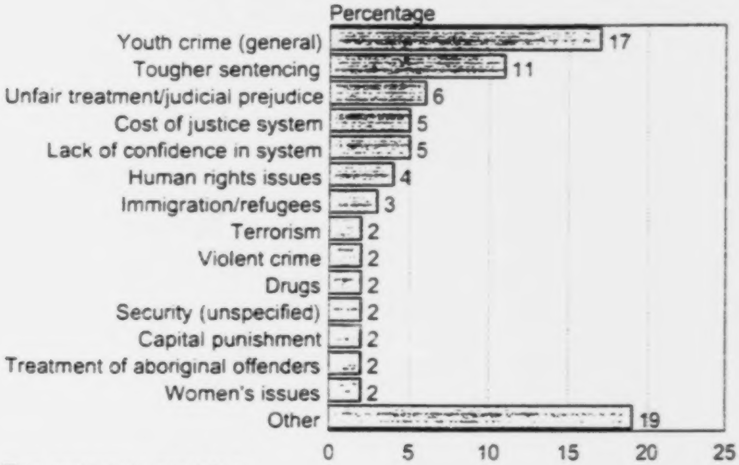
Contextual Information

In order to provide some context to the issues explored in this survey, participants were asked a number of background questions regarding justice-related issues and the justice system in Canada.

Youth Crime, Tougher Sentencing Top List of Justice Issues

Participants were asked to identify what they thought were the most important issues in the justice system, including our laws and courts, facing Canadians at this time. While a broad range of issues were identified, only two were cited with any real frequency. Heading the list was youth crime (17%), followed by tougher sentencing (11%) (two responses accepted). Also receiving attention were unfair treatment and perceptions of judicial prejudice (6%), the cost of the justice system (5%), and a lack of confidence in it (5%).

Most Important Justice-Related Issue



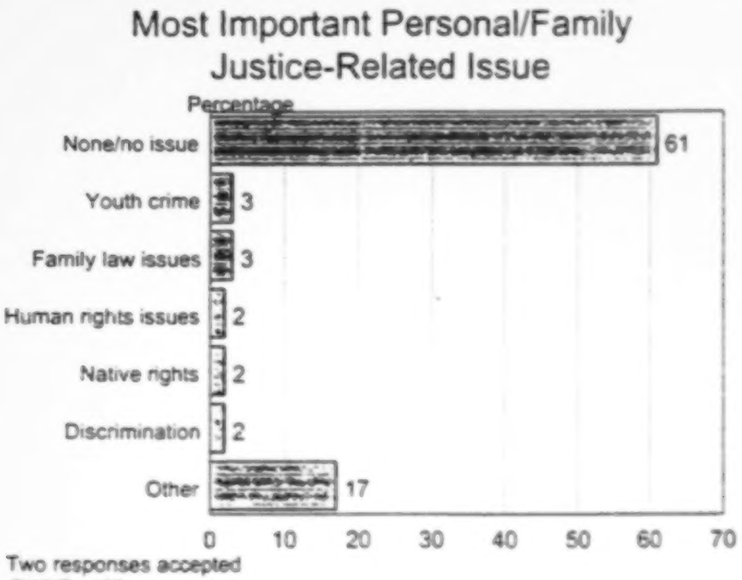
Two responses accepted
DK/NR= 32%
COMPAS for Justice Canada, March 2002

A host of issues were identified by small numbers (4% or less), including human rights issues, immigration and refugees, terrorism, violent crime, drugs, personal security in general, capital punishment, treatment of aboriginal offenders, and women's issues. Included in the 'other' category are perceptions of a rise in the crime rate, alternative sentencing options, the need for more police, a lack of information about the law, domestic violence, pornography, overcrowded prisons, drunk driving, access to legal aid, and gun control.

Note that one-third of participants (32%) did not provide an answer to this question.

Few Identify Legal Issues of Direct Relevance to Them & Their Families

Shifting the focus to a more personal level, participants were asked to identify the most important justice-related issue facing them or their families at this time. In response, nearly three-quarters did not identify any issues: 61% said there were no such issues facing them or their families, while a further 13% did not provide a response.



Two responses accepted
DK/NR= 13%
COMPAS for Justice Canada, March 2002

All issues were identified by small numbers. These included youth crime, family law issues, human rights issues, native rights, and discrimination. Included in the 'other' category are concern about family safety, concerns about theft or robbery, violent crime, spousal abuse, sex crimes, drugs, tax-related issues, gun laws, immigration issues, and the slowness of the judicial process.

APPENDIX D

Appendix D

THE CANADIAN CIVIL JUSTICE SYSTEM AND THE PUBLIC

Lois Gander, June Ross, Allison McKinnon, and Diana Lowe*

Abstract

Studies of the civil justice system in Canada have recognized the need for reform of the system and have concluded that the public should play a key role in reform efforts. A number of the many recent recommendations for reform emanating from the judiciary, the legal profession, and government are aimed at increasing the responsiveness of the system to the needs and expectations of the public. These recommendations seek both to increase access to the civil justice system and to develop effective two-way communication between the courts and the public. In 1999, the Canadian Forum on Civil Justice initiated a research program to advance these important recommendations.

This paper outlines the major features of "The Civil Justice System and the Public," a four-year research program designed to study the state of communication between the civil justice system and the public and to develop practices to improve communication so that the public can become more involved in civil justice reform. Funded under an innovative Social Sciences and Humanities Research Council of Canada Community - University Research Alliance program, research directors from the Canadian Forum on Civil Justice and the University of Alberta are joined by partners from across Canada in academia, the judiciary, the legal profession, court administration, public legal education agencies, community organizations, and the public. While they share a common concern for improving the civil justice system, these partners have never worked together. This research alliance is multifaceted, multi-disciplinary, and comparative, with the potential to enhance mutual learning and to expand the body of knowledge and research in a context in which pressing social concerns far outdistance current understanding of the intersecting social and legal forces. The researchers will conclude the study by making concrete recommendations for improving communication between the civil justice system and the public, and ultimately, improving access to civil justice. In doing so, they will also contribute to the advancement of research undertaken collaboratively by universities and communities.

Introduction

In 1999, a team of researchers at the University of Alberta in conjunction with the Canadian Forum on Civil Justice[1] began the process of developing a research

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[1] The Canadian Forum on Civil Justice is a national bilingual organization, incorporated under the *Canada Corporations Act* in May, 1998. The goal of the Forum is to bring together the public, the courts, the legal profession, and government to strive to ensure that civil justice is accessible, effective, fair, and efficient. There is no other organization in Canada with the mandate to collect and share information and conduct research for the purpose of promoting reform of the civil justice system. The Forum is uniquely positioned to bring together all of the interested partners for this unprecedented collaborative effort, to coordinate the research project, and to ensure that the research and program

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program to study the state of communication between the Canadian civil justice system and the public. Funding from the University of Alberta, the Alberta Law Foundation, and most recently, the Social Sciences and Humanities Research Council of Canada has enabled the program to proceed. This research will not only explore an issue that is key to engaging the public in the reform of civil justice in this country, but will also pursue a new form of collaborative research between the community and the university. This paper introduces the research program and describes its emerging partnership arrangements.

Background

The civil justice system is fundamental to the peaceable resolution of disputes arising in Canadian society. Divorce and family issues, consumer claims ranging from house purchases to car leases, professional service complaints, concerns relating to government services or public entitlements, and the enforcement of rights, such as the rights to equality and to privacy, are but a few of the many reasons to invoke the civil justice system.

Serious concerns have been raised from both inside and outside the civil justice system about public access to justice and about the ability of the system to speak, listen, and respond to the public. Cultural and linguistic minority communities, the poor, persons with disabilities, and women may be particularly disadvantaged in terms of access to and communication with the civil justice system.[2] Barriers to civil justice may be insurmountable for Aboriginal Canadians who have culturally distinct approaches to the resolution of disputes.[3] This limited or complete lack of access and understanding undermines public confidence in the civil justice system.

It is widely believed that a lack of public knowledge about the justice system, as well as complex laws and procedures and the high cost of legal representation, pose significant barriers to access to civil justice. These issues underlie many recent reports and initiatives advocating and implementing civil justice reforms. It is also

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objectives are realized. The Forum was created in 1998 as the result of a recommendation of the Canadian Bar Association's *Systems of Civil Justice Task Force* which recognized the challenges facing our civil justice system and the need for an organization focused on improving the civil justice system. The Task Force recommended the creation of an independent organization to encourage participation from all groups involved in civil justice reform and to facilitate the exchange of information and experience in civil justice reform. The Canadian Forum on Civil Justice was established pursuant to that recommendation through a joint initiative of the Canadian Bar Association and the University of Alberta, Faculty of Law.

[2] See for example A. Hutchinson, ed., *Access to Civil Justice* (Toronto: Carswell, 1990); M. Buckley, "Overcoming Barriers: Towards Equal Access to Justice" an Issue Paper prepared for the Canadian Bar Association Systems of Justice Task Force, 1996 (unpublished); R.A. Macdonald, *Study Paper on Prospects for Civil Justice* (Toronto: Ontario Law Reform Commission, 1995) and *New Brunswick (Minister of Health and Community Services) v. G. (J.)*, [1999] 3 S.C.R. 46.

[3] C. Bell & D. Kahane, *Intercultural Dispute Resolution in Aboriginal Contexts: Canadian and International Perspectives* (Vancouver: UBC Press, in press).

well recognized that Canadian citizens must have a role in legal reform. Indeed, the primary objectives of already proposed reforms are to increase responsiveness to the needs and expectations of the public, to create a focus on service, or to make courts more "user friendly."[illegible] While discussions on how to improve the system have been going on for some time, the public is generally unaware of these deliberations. Since they are not involved, their needs and expectations are not being voiced.

Civil Justice Reform Initiatives to Date

The relationship between the civil justice system and the public has been a crucial issue in recent reports that have emanated from courts, governments, and professional associations. While the issue has been raised on many occasions, it has not been fully explored, even in ambitious reform efforts such as the *Report of the Canadian Bar Association Task Force on the Systems of Civil Justice*[illegible] and the *Ontario Civil Justice Review*.[illegible] The CBA Task Force Report sought to promote a greater user orientation in the courts. It called on the courts to establish advisory committees with public representation to advise on ways to improve the administration of civil justice, to reduce or remove barriers to access, and to implement, evaluate and monitor reform measures. A second recommendation called for court charters specifying standards of service to be provided to the public regarding matters such as physical facilities, information, time guidelines, courtesy, access, and complaint mechanisms. It was further recommended that the development, implementation, and review of court charters take place in a context of ongoing public consultation.

Similarly, the *Ontario Civil Justice Review* indicated that "a greater participatory role by members of the public in the justice system is both inevitable and appropriate in today's society,"[illegible] and concluded that the current system did not provide for appropriate public input. It suggested that existing advisory committees could become excellent vehicles for public input into civil justice reform but that they were not carrying out this function effectively.

Most reviews of public opinion employed in law reform contexts have not been empirically based. Information about public attitudes has not been collected by means of valid and reliable public surveys, or other scientifically rigorous research methods. The CBA Task Force, the Ontario Civil Justice Review, the Manitoba Civil Justice Review Task Force,[illegible] and the British Columbia Justice Reform Committee[illegible] primarily relied on public input obtained in the course of meetings and through written

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[illegible] *Systems of Civil Justice Task Force Report* (Ottawa: Canadian Bar Association, 1996) at 17 [hereinafter *Systems of Civil Justice*] [illegible].

[illegible] *Systems of Civil Justice*, ibid.

[illegible] *Civil Justice Review: Supplemental and Final Report* (Toronto: Ontario Civil Justice Review, 1996); *Civil Justice Review: First Report* (Toronto: Ontario Civil Justice Review, 1995) at [illegible].

[illegible] *Manitoba Civil Justice Review Task Force Report* (Winnipeg: Government of Manitoba, 1996).

[illegible] *Strategic Reforms of British Columbia's Justice System* (Victoria: Government of British Columbia, 1995).

submissions.[10] Other reform efforts limited their "public" consultation to meetings with, and submissions by, what might be characterized as the "legal professionals" such as lawyers, court administrators, legal aid providers, public legal educators, and native court workers.

Real changes have been minimal, with little demonstrable impact. A review committee of the Canadian Bar Association reported in 1998 that no trial court had established an advisory committee involving members of the public and that there was little work being done on court charters.[11] While useful information has been amassed in review processes, the limitations of their approaches are clear. Public consultations undertaken to date have not provided results that can be generalized as an expression of public views in Canada because the information was not collected from randomly selected, representative samples using standardized questions, was not otherwise controlled for potential bias, and was not scientifically analyzed. The lack of empirical research in the context of these large-scale reform initiatives is not compensated for by a pre-existing body of work in this area. One reviewer noted that, given "the limited range and scope of existing Canadian research, the conclusions that can be drawn about public perceptions are both modest and tentative"[12]

Concerns about communication between the courts and the public are not limited to Canada. In 1998, the Australian Institute of Judicial Administration produced a more comprehensive study than anything yet produced in Canada. Entitled *Courts and the Public*,[13] the study identified and elaborated the many faces of the public that interact with the courts, including litigants, government officials, witnesses, media, taxpayers, special-interest citizen groups, juries, researchers, lawyers (private, Crown, legal aid), police, victims and the general public. The report discussed the variety of courts and jurisdictions in which this interaction occurs. It described a number of ways being used to determine public needs, including periodic reviews and evaluations of services; consultations about proposed initiatives; feasibility studies; strategic and business planning processes; the appointment of portfolio officers such as media liaison officers or Aboriginal community liaison officers; working parties on perceived problems; staff training and professional development; and user surveys, user forums, and complaints mechanisms. The study observed that while much work was going on in Australian courts, there was no consistency throughout the system and "no reliable mechanism for identifying and sharing best practices," with the consequence that "many wheels, of different radius, are repeatedly reinvented."

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[10] The CBA also conducted a survey of individuals in community groups/organizations across Canada. *Report: Survey on Civil Justice Reform (Public Survey)* (Vancouver: Canadian Facts, 1996).
[11] *Systems of Civil Justice Implementation 1998* (Ottawa: Canadian Bar Association, 1998) at 27-28.
[12] S. Watt, "Public Perceptions of the Civil Justice System" in *Rethinking Civil Justice: Research Studies for the Civil Justice Review*, vol. 1 (Toronto: Ontario Law Reform Commission, 1996) 39 at 65.
[13] S. Parker, *Courts and the Public* (Carlton South: Australian Institute of Judicial Administration Incorporated, 1998) at 34.

> "An incipient culture of continuous improvement [. . .] evident in Australian courts [was] not matched by a culture of subsequent evaluation [. . .] The commitment to obtaining and learning from user feedback varies across courts and jurisdictions, both in its extent and depth. There is no evidence of *routine* seeking of user feedback, or even a mechanism for obtaining it."[16]

The report concluded with a number of recommendations for ongoing work by the courts to be shared through a mutual repository of data and clearinghouse of best practices.

In summary, efforts of governments and legal professionals to improve relationships between the civil justice system and the public and to create mechanisms for communication between the civil justice system and the public, while well-intentioned, have not been very effective. Little empirical research or comprehensive theoretically-grounded analysis has been conducted. There is a need for an integrated and informed approach to understanding problems, identifying best practices, and recommending social and legal changes, in order to improve the relationship between the civil justice system and the public.[17]

The Civil Justice System and the Public Research Project

In 1999, the Canadian Forum on Civil Justice initiated a project to study the state of communication between the public and the civil justice system with a view to finding ways to increase public involvement in the system. The study is particularly motivated by a desire to improve public participation in reforming the administration of civil justice in this country. The inquiry focuses on three basic questions:

- What is the current state of communication between the civil justice system and the public?
- How is that communication experienced by people within the system and by the public?
- What can be done to improve communication between the civil justice system and the public?

The specific objectives of this research program are

- to foster innovative research on the relationship between civil courts and the public, and on the development of mechanisms for better communication between civil courts and the public with a view to improving both the operation of the civil justice system and public confidence in the justice system;
- to bring together, for the first time, partners who share a concern for civil justice reform but have been separated by geography, jurisdiction and

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[16] *Ibid.* at 180.

[17] J.D. McCamus, "Civil Justice Reform: What Do We Know?" in J.M. Brisson & D. Greschner, eds. *Public Perceptions of the Administration of Justice* (Montreal: Les Editions Themis, 1995) 395.

discipline. Participants come from academia, the judiciary, the legal profession, court administration, community organizations, public legal education agencies and the public. They will acquire practical knowledge, share best practices and conduct research, and in so doing develop mechanisms to create continued links between these communities which will in turn facilitate ongoing consortium building and research;

- to enable undergraduate and graduate students to work collaboratively with community and academic partners so as to improve research skills and gain experience that will increase future job opportunities;
- to enrich university curricula and teaching through the development of educational resources in law, judicial administration and public administration; and
- to promote sharing of knowledge and expertise among members of the community involved in court administration, academics, court users and the general public and in so doing reinforce community decision-making and problem solving capacities.

This research project adopts the widely accepted belief that there are significant barriers to public access to the justice system. It is expected that improving the ability of the civil justice system to speak, hear, and respond to the public will improve public access to the system. It is a premise of this study that improved two-way communication between the public and the system will build and sustain public trust and lead to meaningful, sustainable, civil justice reforms.[16]

The Main Components of the Program

1. Literature review
   The research program began with a review and analysis of the literature on relationships between Canadian and similar civil justice systems and the publics they serve. A comprehensive annotated bibliography of published literature (including electronically published literature) from Canada, the United Kingdom, Australia and New Zealand, as well as a review of major American developments, has been prepared. However, a significant part of the Canadian literature is in the form of "grey" literature that is not formally published, not catalogued adequately or at all, and sometimes confidential or quasi-confidential in nature (such as internal reports of governments, courts, and professional agencies).[17] Collection of this latter material will continue throughout the project.

2. Alberta Study of the Civil Justice System and the Public
   In February 2000, the Canadian Forum on Civil Justice received funding from the Alberta Law Foundation to undertake a study of the state of communication

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[16] This issue is discussed in *Systems of Civil Justice Task supra* note 4 at 17 and 19-20.

[17] In this respect the Canadian situation is much like the Australian. See Parker, *supra* note 12 at 4 and 54.

between the public and the civil justice system in Alberta and to develop practices to improve communication, with the particular goal of involving the public in civil justice reform. This provincial study provides a foundation for the development, implementation, and evaluation of the national study.

3. National Civil Justice System and the Public Study

In February 2001, the Minister of Industry for the Canadian government announced that the Canadian Forum on Civil Justice had been awarded a three-year $600,000 grant from the Social Sciences and Humanities Research Council (SSHRC). SSHRC is an independent federal government agency that funds university-based research and graduate training in the social sciences and humanities through national peer-reviewed competitions. In 1999 it introduced an innovative "Community - University Research Alliance" (CURA) program to promote research and social innovation by funding partnerships between universities and communities for the social, cultural and economic development of communities. The Forum received its grant as the lead organization of an alliance with researchers from the University of Alberta.

The starting point of this research will be a "snapshot" or series of snapshots of the state of communication between the civil justice system and the public as revealed through in-depth interviews of key informants. Special attention will be directed to identifying and investigating barriers to communication between Aboriginal Canadians and the civil justice system. This is a new and important area of research.

Increased awareness of the impact of cultural stress and pressure on Aboriginal communities has resulted in reforms that make the Canadian justice system more accountable to Aboriginal communities. However, work has focused on the area of criminal justice and, even then, limited attention has been paid to communication methods appropriate for the courts. Studies have not addressed the issues that arise in civil justice litigation that are unique to Aboriginal communities. These include matters relating to residential school claims, treaty entitlement claims, the political rights of resident and non-resident band members, housing disputes, the rights of band and non-band member residents on reserves, family violence, and division of property on marital breakdown. For these reasons, this study will incorporate a focus on the state of communication between Aboriginal Canadians and judges, lawyers and other legal professionals in the civil justice system. Aboriginal focus groups may be established to explore culturally appropriate use of advisory committees and court charters; to consider barriers generated by reliance on written documents and electronic media in communicating about civil justice procedures and reforms; and to identify strategies that facilitate more effective communication with, and access by, Aboriginal court users.

> In the second stage of the project, researchers will identify best practices for ongoing communication between the courts and the public. After reviewing the current state of communication, demonstrations of particular methods of court/public communication in particular courts will be implemented. These demonstration projects will be evaluated and, based on these evaluations, the research team will make recommendations aimed at improving the ability of the civil justice system to communicate with the public. A number of methods will be used to disseminate the results of the research.

Scope of the Study

This research program is taking place within a law reform context that promotes a multi-option justice system. The civil courts are a central and fundamental feature of the justice system, but the system is broader than the courts themselves. The term "civil justice system" includes court-connected parts of the system outside the courts themselves, such as legal service providers or court-connected dispute resolution mechanisms.

Court-annexed alternate dispute resolution (ADR) has been promoted in Canada as a way of reducing costs, controlling court lists, and making courts more efficient. Provinces vary as to the type of cases for which mediation is mandated but most provinces and territories are introducing ADR in some form. Four Canadian jurisdictions have been particularly active in adopting ADR processes as alternatives or prerequisites to the court process.[18] In Ontario mandatory mediation is part of all civil non-family cases. It must occur within 90 days of the filing of the statement of defence unless a court order exempts the parties from mediation or extends the time for it. Mandatory mediation is also required in Prince Albert, Regina, Saskatoon, and Swift Current, and is available on a voluntary basis in other judicial centres in the province of Saskatchewan. Mediation is mandatory in Edmonton and Calgary, Alberta for Provincial Court (Small Claims)[19] and Judicial Dispute Resolution and mini-trials are built into the civil justice process at the level of the Court of Queen's Bench. Mediation is not mandatory in British Columbia but can be invoked by any party in a personal injury claim arising from a motor vehicle accident and for residential construction claims. Throughout the country, services to families often include parent education sessions dealing with matters such as the impact of divorce and separation on children, communication skills, dispute resolution skills, and legal issues. Separation education programs are sometimes available for couples that do not have children.

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[18] See D. Lowe, "What's Old is New Again: Aboriginal Dispute Resolution in the Civil Justice System" in C. Bell & D. Kahane. eds, *Intercultural Dispute Resolution in Aboriginal Contexts: Canadian and International Perspectives* (Vancouver: UBC Press, in press).

[19] J.B. Chadwick J., "What's New in Alternate Dispute Resolution and the Courts," paper presented at the Canadian Bar Association National Meeting, 1999; G. Harris & J. Fenske, "It's Here? - Court Connected Mediation - The Civil Claims Mediation Pilot Project - Edmonton," paper presented at the Canadian Bar Association National Meeting Canadian Bar Association, 1999 [unpublished] ;R. Hewitt Q.C., "What's New in Alternate Dispute Resolution and the Courts," paper presented at the Canadian Bar Association National Meeeting, 1999 [unpublished]; and J. McHale, "Dispute Resolution Initiatives in British Columbia" paper presented at the Canadian Bar Associaiton National meeting, 1999 [unpublished].

Where these innovative ADR activities form part of the services offered by the court, they will be encompassed by this study. However, being centred on civil courts, the study will not deal with the enormous number of civil claims and issues that are resolved outside of the court system, through claims before administrative boards and tribunals or through private alternative dispute resolution.

Methodology

Qualitative and quantitative social research methods will be used for this research. A grounded theory approach to development of knowledge will be taken.[20] In keeping with this theoretical orientation, knowledge about the nature of the communication between the courts and the public will emerge from the data acquired through fieldwork interviews, observations, and content analysis of documents. Data analyses will be systematic and begin as soon as data becomes available, guiding further data collection and interpretation of findings.

To understand the relationships and to identify solutions or best practices in communication between the civil justice system and the public, researchers will

- conduct and analyze interviews with judges, court personnel, public legal education agencies, community service agencies, and members of the public;
- survey current practices, and establish criteria for evaluating best practices;
- hold discussion forums with members of the public who relate to the court in varied roles, for example, as litigants, witnesses, media, taxpayers, and members of disadvantaged and minority groups; and
- undertake demonstration projects in selected courts, and conduct evaluations of these projects.

To share information and best practices, the project will

- develop a system for the ongoing sharing of best practices, such as a manual of best practices that sets out mechanisms for communication between the civil justice system and the public;
- share knowledge and acquire further knowledge through public meetings, symposia and workshops, and via the web-sites, newsletters and other publications of the partners;

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[20] A. Strauss & J. Corbin, *Basics of Qualitative Research: Grounded Theory Procedures and Techniques* (Newbury Park: Sage Publications, Inc. 1990) and A. Strauss & J. Corbin, "Grounded Theory Methodology: An Overview" in N.K. Denzin & S.L. Y, eds, *Handbook of Qualitative Research* (Thousand Oaks: Sage Publications, Inc., 1994).

- communicate with academic and professional communities by means of published reports, articles in peer-reviewed journals, and papers presented at academic, judicial and legal conferences. Educational materials dealing with the court/public relationship will also be developed for use in a number of college, university and professional contexts, for example, within courses on judicial administration, law school courses on civil procedure, or training programs for the judiciary, court administrators and court staff.

Selecting Research Participants

Research will focus on the experiences of three key groups.

1. Persons Working within the Civil Justice System
   At each research location a number of individuals working within the courts and related agencies and services will be interviewed to get detailed information on the current state of communication, as seen from the perspectives of persons within the system. This will provide the information necessary to explore public awareness of and experience with communication methods that are currently in place.

2. Members of the public who are currently using the Civil Justice System
   The primary focus of the research is the public as the principal consumers and beneficiaries of the civil justice system. It is to be expected, especially given the general lack of public understanding of the civil justice system,[21] that many members of the public, including many court users, will have little experience with and few opinions about the state of communication between the civil justice system and the public.[22] Researchers expect to learn the most about the public's views from individuals with recent and relevant experience, with an interest in the issues, and with the ability to articulate their experiences and concerns.

   The public comes into contact with the courts in the context of a number of roles or functions – as litigants involved in various types of cases, jurors, or witnesses, to name a few. The public can be further differentiated by attributes or characteristics – as women, Aboriginal people, disabled people, the poor, and people for whom English is not their first language. These segments of the public may have different needs, experiences with, and expectations of the civil justice system.

   Qualitative research methods will be used to obtain purposive samples of the public and to study their experiences and concerns relating to the state of communication between the civil justice system and the public. Researchers will interview litigants (both represented and self-represented) involved in various types of civil cases (e.g., family, commercial and personal injury cases) at various stages of litigation (e.g., after filing a claim or defence, after a hearing, or after filing judgment). Researchers will also identify and include within the study people who come into contact with the system in other capacities, such as jurors and witnesses.

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[21] *Systems of Civil Justice, supra* note 4 at 16-17 and 53-55.

[22] S. Wain, "Public Perceptions of the Civil Justice System" in *Rethinking Civil Justice: Research Studies for the Civil Justice Review*, vol. 1 (Toronto: Ontario Law Reform Commission, 1996) 39 at 41-42.

3. Members of the public who are not currently using the Civil Justice System
   Although the primary focus of the study will be on users of the civil justice system, concern about public communication and about involving the public in civil justice reform extends to all Canadians. Researchers will therefore also seek to conduct surveys of the general public in partnership with the Canadian Centre for Justice Statistics, a branch of Statistics Canada.

Context of the Research

This program of research is being carried out in the context of the complex Canadian civil justice system. Generally, in each province and territory, civil cases can be heard by a limited jurisdiction court, a superior court, and an appellate court. Some provinces also have specialized family or probate courts. The organization of courts also varies. In some provinces (Prince Edward Island, Ontario, Manitoba and New Brunswick), the provincial courts do not hear civil cases; in others there are additional civil courts (such as the Divisional Court in Ontario, an intermediate appeal court, and the municipal courts in Quebec). There are also three federal courts: the Supreme Court of Canada, the Federal Court of Canada (which includes trial and appellate divisions) and the Tax Court of Canada. While this listing alone illustrates great complexity, it must also be kept in mind that most of these courts have a number of permanent and circuit locations. For example, in 1997 in British Columbia, there were 32 locations for the superior court and 95 locations for the provincial court. In Quebec, there were 42 permanent and five circuit locations for the superior court and 58 permanent and 28 circuit locations for the provincial court. In Ontario, there were 49 locations for the superior court and 79 locations for the Ontario Court of Justice, a provincial court. A count of the permanent and circuit locations of civil courts as detailed in *Profile of Courts in Canada 1997* by the Canadian Centre for Justice Statistics,[23] indicates that there are more than one thousand such locations.

Courts will be approached much as the public would, at the level of particular courts at particular locations. Given the number of courts and locations, it will be necessary to purposively select representative research sites. Because of the enormous complexity of the system itself, the selection of particular sites for the study will be critical in achieving reliable and valid information. These sites should include appellate, superior, and limited jurisdiction courts, as well as courts of specialized subject jurisdiction (e.g. family). They should include both rural and urban locations, as well as geographically represent the regions of Canada (Atlantic, Quebec, Ontario, the Prairies, British Columbia, and the northern territories). It is reasonable to expect that public experiences will vary depending on the size of the court they come into contact with, so the research sites should also represent the varied sizes of Canadian courts, as measured by, for example, the number of resident judges, and the number of cases filed and heard. Further, as the research objective includes increasing the involvement of the public in civil justice reform, the research sites should also represent both courts that have been active in promoting a reform agenda and those that have not.

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[23] Canadian Centre for Justice Statistics, *Profile of Courts in Canada 1997* (Ottawa: Statistics Canada, 1998).

The cooperation of the courts will be essential to the success of the study so this will also be a necessary consideration in the selection of research sites. The selection of sites will thus involve initial communication with appropriate judges and court administrators to obtain necessary information, to describe the research, to provide assurances of professional and ethical standards and confidentiality in the conduct of the research, and to seek their consent and undertakings to cooperate. The project is well placed to approach appropriate individuals and to secure consent and cooperation through the Canadian Forum on Civil Justice and the research partners, particularly the Association of Canadian Court Administrators, the Canadian Institute for the Administration of Justice, the Canadian Judicial Council, and the Canadian Association of Provincial Court Judges. In fact, the project team has already been assured access to all levels of the courts in Alberta and to provincial courts throughout Canada due to the assistance of the Canadian Association of Provincial Court Judges.

Interview Questions

This research will seek answers to the following broad questions:

1. The first group of questions pertains to the existing methods of communication being employed by the courts as viewed from the perspective of persons working within the civil justice system.[24] For each court in each area, information will be gathered on both one-way communication methods (e.g., brochures, information booths) and two-way communication methods (e.g., complaints procedures, user forums, feedback evaluations and user surveys) that are in use. Information pertaining to the first group of research questions will be collected by means of the interviews conducted with court personnel, public legal education agencies, community legal service agencies, and legal professionals.

2. The second group of questions will address public awareness of and experiences

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[24] See Appendix A for the Interview Protocol for Members of the Civil Justice System.

with existing methods of communication.[25] These questions will be asked of purposively selected samples of various public groups who have come into contact with the civil justice system. Members of various public groups will be interviewed in person or by telephone, in accordance with an interview protocol developed to protect the rights of human subjects participating in the study. Potential participants will be made aware of the nature of the study and its purpose, that they have the right to decline to participate, and that information collected will be kept confidential and anonymous.

3. The third group of questions goes to the heart of the research project. What "best practices" currently exist with respect to communication between the civil justice system and the public and what practical, relevant information can be provided to stakeholder groups so as to improve the effectiveness of communication between the civil justice system and the public?

Theoretical Challenges

Key to benefiting from the diversity of participants in this study is the recognition that research directors, advisors, and consultants, and the public derive their insights with respect to the challenge of improving the relationship between the courts and the public from widely differing theoretical perspectives and practical experiences. But, as Parker acknowledged in his study, the whole area of the relationship between courts and the public is incompletely theorized.[26] To better recognize, explain, and account for the variety of insights anticipated, this research project will pursue theoretical as well as empirical issues.

Teasing out the theoretical bases of beliefs about the courts, the public, the current problems with the civil justice system, and alternative ways of addressing those problems is a complex and on-going process. The Civil Justice System and the Public research program has taken as a given that the public experiences barriers in accessing the courts, that the courts require reform, that the public should be involved in that reform, and that communication between the public and the courts will have to improve for that to happen. These underlying assumptions have become the starting points for identifying theoretical frameworks and issues germane to the project. To date the following areas for exploration have been identified:

- understandings about the nature of law and its place in a liberal democracy, including the predominant positivist notion of law and its preferencing of the role of specially trained legal experts over that of the public, the role of courts, the nature and importance of judicial independence, rights discourse, and critical and post-modern understandings about the law;
- understandings about the publics served by the civil justice system,

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[25] See Appendix B for the Interview Protocol for Members of the Public.

[26] S. Parker, *supra* note 12 at 5.

including legal professionals, litigants, users of court services, and citizens;[27]
- understandings about the ways of knowing and the nature of communication, including theories about legitimization, adult education, learning processes, learning organizations, self-efficacy, knowledge management, and public legal education; and
- understandings about effecting change, including organizational and social change.

Work on identifying and exploring theoretical issues will continue throughout the research program.

Demonstration Projects

In the second stage of the project, mechanisms will be developed by which communication between the Canadian civil justice system and the public could be improved, particularly in determining public needs and expectations, and in developing and evaluating reforms. These projects will be conducted within courts selected for representativeness, accessibility, and cooperativeness.

Communication of Research Results

Throughout the project knowledge will be acquired and shared through public meetings, symposia and workshops, and via the web-sites, newsletters and other publications of the Canadian Forum on Civil Justice and partners. A manual of best practices pertaining to public communication will be developed for use by the courts and others involved in the civil justice system and civil justice reform. Partners in the field of public legal education will be extensively involved in disseminating information about the study to their constituencies, to participants in focus groups and case studies, to educators, and to the public in general. Information will be disseminated within the academic and professional community by means of published reports, articles in peer-reviewed journals, and papers presented at academic, judicial, and legal conferences. Educational resources will be developed dealing with the relationship between the civil justice system and the public that can be employed in a number of college, university and professional contexts. For example, educational materials could be used in courses on judicial administration, law school courses, or training programs for the judiciary, court administrators, and court staff. In addition, partners such as the Association of Canadian Court Administrators, the Canadian Institute for the Administration of Justice, and the Canadian Bar Association will assist in the dissemination of results to their members.

The Community - University Research Alliance

One of the unique features of this research program is that it brings together for the first time representatives from such a diverse assortment of stakeholders and the public. The SSHRC Community - University Research Alliance (CURA) through which this study was funded is itself a pilot program. The CURA program promotes research and social innovation by funding vital, creative partnerships between universities and communities to work for the social, cultural, and economic development of communities. SSHRC provides funding to enable these alliances to combine forces to tackle issues they have identified as being of common, priority concern. Through a process of ongoing collaboration and mutual learning, the alliance will:

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[27] Professor Parker's work on this topic is particularly relevant. *Ibid.* at 12-16.

- foster innovative research, training and the advancement of knowledge in areas of importance for the social, cultural or economic development of communities;
- promote sharing of knowledge, resources and expertise between universities and organizations in the community;
- enrich research, teaching methods and curricula in universities and reinforce community decision-making and problem-solving capacity; and
- enhance students' education and employability through diverse opportunities to build their knowledge, expertise and work-force skills through hands-on research and related experience.

To facilitate the sharing of best practices and the latest information on over-all progress and specific results between CURAs, SSHRC plans to establish a national network linking its members through a Web site, to organize a national conference and workshops, and to promote broader information exchange through other similar initiatives at the international level.

In meeting the CURA collaboration requirements, the Canadian Forum on Civil Justice[28] and three research directors from the Faculties of Law, Extension and Rehabilitation Medicine at the University of Alberta attracted seventeen partners from across Canada in academia,[29] the judiciary, the legal profession, court administration, public legal education agencies, and community organizations to this project.[30]

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[28] The project is being coordinated by the Executive Director of the Canadian Forum on Civil Justice.

[29] Academic research advisors include Carl Baar, Ph.D. (Political Science) who will act as a Senior Research Consultant to the project. Professor Baar is one of the world's leading scholars in judicial administration. He is recently retired from the Department of Politics, Brock University. Professor Allan Tupper, Ph.D (Political Science), Faculty of Arts, University of Alberta will also act in a consultative role throughout the project. Professor Catherine Bell, LL.M., Faculty of Law, University of Alberta who recently completed a SSHRC-funded study of the Métis Settlements Appeal Tribunal of Alberta will work with Chris Andersen of the School of Native Studies on aspects of the research project dealing with Aboriginal court users and communities. Chris Andersen, B.A., M.A. (Queens) is a Ph.D. candidate with expertise in the area of "Métis Identities and the Courts," criminology, social research methods and Aboriginal issues. Associate Professor Marco Adria, Ph.D. (Social Organization) Faculty of Extension, University of Alberta, will advise in the area of communications. Assistant Professor Teresa Rose, Ph.D. (Business Management) also of the Faculty of Extension will advise on successful collaboration processes and on the research design and interviewing processes.

[30] See Appendix C for non-university research partners.

It is worth noting that Canada is particularly well served by a network of agencies that have as their central purpose the education of Canadians about their legal system. Every province and territory has at least one such agency and these organizations are themselves affiliated through the Public Legal Education Association of Canada. Between them, these agencies have experience in working with a cross-section of Canadians in a variety of settings using a host of techniques and the full range of media.[17] The work of these groups will be particularly important in determining what resources are currently available to assist Canadians understand the civil justice system and in developing projects to demonstrate new communication strategies.

Through this project, partners will share their experiences, learn from each other, and forge new relationships, creating a lasting benefit through new understanding and improved communication about our civil justice system. While they share a common concern for improving the civil justice system, never before have academics, the judiciary, the legal profession, court administrators, public legal education agencies, community organizations, and the public worked together in Canada. Managing these relationships will be a key aspect of the research project.

The interaction of the partners will not only advance the work that has been done in Canada beyond its current institutional limitations through the sharing of practical and conceptual expertise and skills, but will ensure that recommendations are effectively implemented. The strength of the diverse partnership will provide the legitimacy, access, and support that is essential to permit the conduct of empirical research and demonstration projects within the Canadian civil justice system, and will enhance the potential for implementation of the results of this study. The linkages forged in this alliance will continue beyond the conduct of this proposal, and ultimately will transform the civil justice system itself in to a new kind of institution that is both independent and responsive to the public it serves.

The overall direction of the research program rests with the three research directors and the Executive Director of the Canadian Civil Justice Forum. To ensure that the program benefits from the comprehensive expertise of all of the partners, an Advisory Committee composed of the directors and representatives of each of the academic units and community partners will be responsible for ensuring communication, feedback, and advice from within their respective sectors.

- The research partners will provide advice and assistance regarding research design and methodology, development of demonstration projects, recruitment of appropriate research assistants and staff and with the interpretation, validation and communication of research results.
- The academic partners will advise on the theoretical basis and technical

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[17] See L. Gander, *The Radical Promise of Public Legal Education in Canada* (LL.M. Th. University of Alberta, 1995) [unpublished] for an account of the origins of public legal education in Canada and at [illegible] for examples of contemporary public legal education activity.

aspects of the research and evaluation of the demonstration projects.

- The public legal education partners will assist in identifying appropriate research questions, locating participants for focus groups, conducting focus groups or applying survey instruments, and developing demonstration projects.
- The courts and legal professionals will assist in identifying appropriate research questions, in providing access to the courts and court records, and facilitating demonstration projects.
- The Aboriginal and other community organizations will assist in identifying appropriate research questions, providing access to their constituencies and developing demonstration projects.

Advisors, consultants and individuals will also be consulted and involved in the development, implementation and evaluation of the research, including demonstration projects, within their respective areas of interest and expertise.

Administrative sponsors are the Board of the Canadian Forum on Civil Justice and the University of Alberta. Financial sponsors include the Alberta Law Foundation, the University of Alberta, and the Social Sciences and Humanities Research Council. Administrative support is provided by the Canadian Forum on Civil Justice.

To begin to effect real engagement of the partners, the research team circulated a questionnaire to prospective partners asking them to address such issues as their beliefs and values, their objectives in joining the study, the resources they could contribute, the roles they might like to play, who from their organization would be involved, what level of project evaluation they might expect, and how best to communicate with them.[17] Responses to this survey suggest that it assisted partners in understanding the commitment they were being asked to make and have provided the research team with an initial inventory of assistance available across the country and a list of concerns that will need to be addressed as the research proceeds.

Conclusion

As a result of its collaborative nature, the Civil Justice System and the Public research program will be multi-faceted, multi-disciplinary, and comparative. It possesses the potential to enhance mutual learning and to expand the body of knowledge and research in a context in which pressing social concerns [illegible] current understanding of the intersecting social and legal forces. The multidisciplinary research will set a new standard for practical and theoretical research about the relationship between the civil justice system and the public, contributing to the development of this most fundamental social institution. In doing so, it will also contribute to the advancement of research undertaken collaboratively by universities and communities.

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[17] The questions were based on a checklist published by the Social Sciences and Humanities Research Council, "Guidelines for Building Research Partnerships." The full questionnaire is attached as Appendix A.

APPENDIX E

Appendix E

SERVING CANADIANS

Making Choices

An Access to Justice Policy Model

Department of Justice Canada
Ministère de la Justice Canada

Canada

Why do we need an Access to Justice Policy Model?

- To provide a framework for program decision-making
- To provide context for a new PLEI vision

Access to Justice is not a “thing” to be defined.
It is, rather, a principle to be achieved.

Why do we need an Access to Justice Policy Model? (Cont'd)

- PLEI and other justice-related programs, whether within or outside the Department of Justice, are Access to Justice Tools.

- They exist to serve a higher purpose. It is, therefore, impossible to arrive at a vision for how those tools will be used without a discussion of the higher purpose.

- In the case of PLEI specifically, that higher purpose is Access to Justice.

Access to Justice – A Principle

- The Department of Justice has struggled, as have others, to arrive at a “definition” of Access to Justice. None have been satisfactory. The reason is that while Access to Justice *appears* to speak to process (“Access”), it in fact speaks to ideology (“Justice”). No definition will ever be sufficiently encompassing so as to meet the needs of all viewpoints and contexts.

- In view of the above and for the purposes of an Access to Justice Policy Model, attempts to define Access to Justice have been abandoned in favour of an Access to Justice “principle”. If we are in agreement about what we are trying to achieve, then the term used to promote a common understanding of our objectives is of secondary importance.

The Principle

- The principle of Access to Justice encompasses the quality of an individual's participation in the justice system (successful interaction), the desirable traits of the system itself (accessible, transparent and equitable) and the means by which participation will achieve the qualitative standard (legal information and services).

- "Successful interaction" does not mean "winning". Any interaction between a person and the system is "successful" if the person has the knowledge and assistance they need to understand and participate fully in the justice system process within which they are interacting.

The Principle

Canadians will receive the legal information and services they require to successfully interact with, and within, an accessible, transparent and equitable justice system.

Making Choices

To achieve this principle of access to justice, attention and resources must be channeled to individuals and communities who experience greater vulnerability to justice system exclusion.

All Canadians

General Public: issue specific needs
Family Violence, Victims, Crime Prevention

Specific barriers and challenges
Native Canadians, disabled persons, elderly
people, new Canadians, minority languages

Specific Economic Challenges
self-represented, and
the working poor

Most Economically Disadvantaged
Legal Aid Realm

Access to Justice

Access to Justice: Hierarchy of Vulnerability

Making choices, and how those choices are made, comprise the policy component of the Access to Justice Policy Model.

Cont'd)

- If the latter is undertaken, then a rational process, or framework, for decision-making is required to most appropriately allocate resources (that will, nevertheless, always be insufficient, always too scarce).

- The policy adopted in this model is that where resources are available and decisions have to be made between competing, worthwhile access to justice activities, the resources will, generally, be applied where the need is determined to be the greatest on the basis of vulnerability to justice system exclusion.

Making choices, and how those choices are made, comprise the policy component of the Access to Justice Policy Model.

- There will never be enough resources to achieve in a perfect sense "Access to Justice". Resources are dedicated to the achievement of the principle by all levels of government and many non-government organizations. These resources have been applied to achieve specific objectives and for the most part are doing so.

- Resources can be sought and obtained for Access to Justice purposes in two ways. The first is to begin with a specific objective and to seek resources for specific activities to achieve the specific objective (Crime Prevention, Youth Justice, Victims, etc.). The second way is to seek and obtain resources to help achieve the broad principle (access to justice), and then allocate those resources to the activities which best support the attainment of the principle (as is currently used within the Partnerships and Innovation Fund).

Access to Justice: Hierarchy of Vulnerability

- If we are making choices on the allocation of resources based on vulnerability to justice system exclusion, then some means of assessing vulnerability is required.

- The model proposes that a "hierarchy of vulnerability" be established.

- It is very important to note that the hierarchy of vulnerability used here in the presentation of the model is for illustrative purposes only. When the model is applied in a decision-making process, a hierarchy of vulnerability will be established in the context of particular needs. While in this example society is looked at as a whole in creating a hierarchy of vulnerability, in another case we may be looking only at a subset of the whole, for example, the disabled. In that case, a hierarchy of vulnerability could be constructed for the disabled community itself on the basis of its access to justice needs.

Access to Justice: Hierarchy of Vulnerability (Cont'd)

In this example, and looking at access to justice needs at the broadest level, a hierarchy has been proposed with the most economically disadvantaged at the centre. For definitional purposes we can call this the Legal Aid realm – those who would qualify on the basis of income for Legal Aid services. Moving outward, we have those with specific economic challenges and who have significant difficulties accessing the justice system. Farther still, we have a large number of groups and communities with specific challenges followed by the general populous who have specific needs, and then all Canadians.

The model should not be viewed as being rigid or static. Lines will often become blurred and individuals and groups may appear in more than one category of vulnerability. What is important is that vulnerability be considered with thought given to the relative weight of the vulnerability in accessing justice in a particular context.

All Canadians

General Public: issue specific needs

Specific barriers and challenges

Specific Economic Challenges

Most Economically Disadvantaged

Access to Justice

Civil law representation

Civil and criminal law representation

Legal representation & appropriate legal information and services

Access to Justice: Gaps

Access to Justice: Needs

- In the example model we consider one particular need – legal representation. Depending on the scope of the "need" being examined, it might at times be necessary to adjust the hierarchy of vulnerability to be either more or less inclusive to more accurately establish vulnerability.

All Canadians

General Public: issue specific needs

Specific barriers and challenges

Specific Economic Challenges

Most Economically Disadvantaged

Legal representation

Access to Justice

Access to Justice: Needs

Access to Justice: Gaps

- From the need we move to an analysis of gaps. Within the access to justice realm, the study of how the justice system is meeting a particular need is far reaching, extending to all levels of government, organisations and individuals.

- In the example, gaps are considered in the context of the need, legal representation.

- With respect to the most inner circle, we see that there is generally no gap with respect to legal representation in criminal cases as the system does provide this service in certain circumstances. However, a gap is evident with respect to civil law representation.

Access to Justice: Gaps (Cont'd)

- In the 2nd circle from the centre a gap is evident in both criminal and civil proceedings, as no eligibility to legal aid exists.

- In the 3rd circle we see that there exists a gap with regard to appropriate legal representation to match the specific legal representation needs of particular groups.

- In the final 2 circles we see no gaps, as there is an assumption that people who are not within the inner circles could fund legal representation from their own resources.

Access to Justice: Tools

All Canadians

General Public: issue specific needs

Specific barriers and challenges

Specific Economic Challenges

Most Economically Disadvantaged

Access to Justice

Legal Aid, PLEI,
Native Courtworker

PLEI, Native Courtworker

PLEI, Native Courtworker

Access to Justice: Tools

- Following a determination of the gaps in the Access to Justice realm is a consideration of the Access to Justice tools available to fill the gaps.

- In this example, only the program tools available for consideration and use by the federal department of Justice are considered. In the inner and second circle, we see that the Department of Justice has program tools available to help meet the needs and gaps that have been determined. In the third circle, we have two choices. As no gaps were evident in the outer circles, no tools are enumerated.

Access to Justice: Tools (Cont'd)

- Of course, where gaps are evident and no tools are available to meet the specified need, the policy decision might be to create a new tool (program or program component).

- A key feature of the model is that **Department of Justice Programs are considered to be Access to Justice Tools**.

- It is especially important to note at this point in the model that PLEI is considered to be an access to justice tool, working along side other tools and operating within a sphere of options and choices to achieve access to justice objectives.

All Canadians

General Public: issue specific needs

Specific barriers and challenges

Specific Economic Challenges

Most Economically Disadvantaged

Focused legal information
and delivery mechanisms

Training intermediaries,
providing criminal and civil law
resources

Criminal legal information
as a resource; civil law
information

Access to Justice

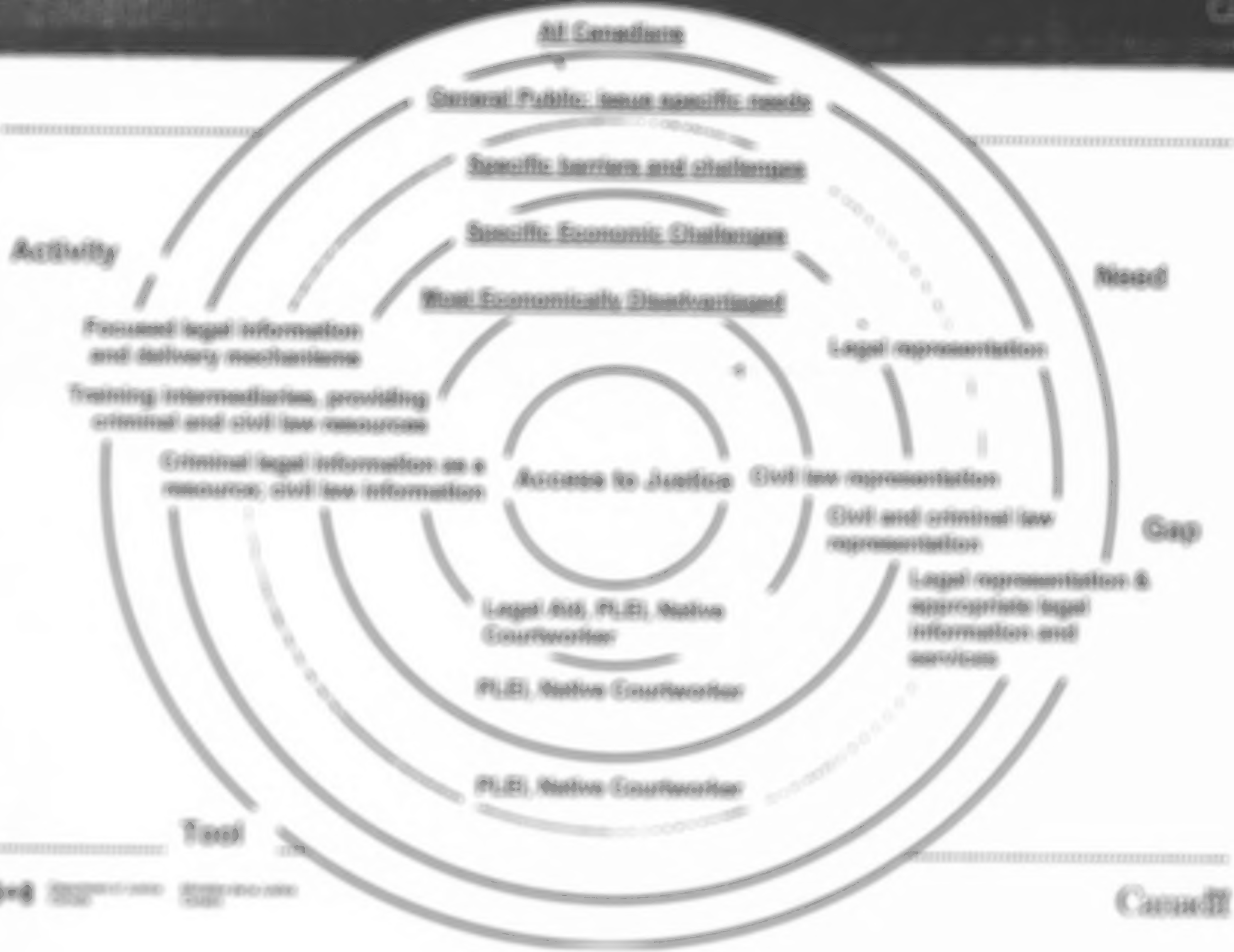
Access to Justice: Activities

Access to Justice: Activities

- Finally in this model, following the selection of the appropriate tool to fulfil the identified gaps in relation to needs, we have the selection of the appropriate activities.

- In this example, PLEI was seen as the appropriate tool, and activities selected for the best use of the tool in the context of the need and gaps.

- Coming full circle, the choice of activities and the allocation of resources will be made with consideration of the hierarchy of vulnerability. Activities will be undertaken and resources applied where the vulnerability to justice system exclusion is greatest.



Activity

Need

Gap

Tool

All Canadians

General Public: issue specific needs

Specific barriers and challenges

Specific Economic Challenges

Most Economically Disadvantaged

Focused legal information and delivery mechanisms

Training intermediaries, providing criminal and civil law resources

Criminal legal information as a resource; civil law information

Access to Justice

Legal representation

Civil law representation

Civil and criminal law representation

Legal representation & appropriate legal information and services

Legal Aid, PLEI, Native Courtworker

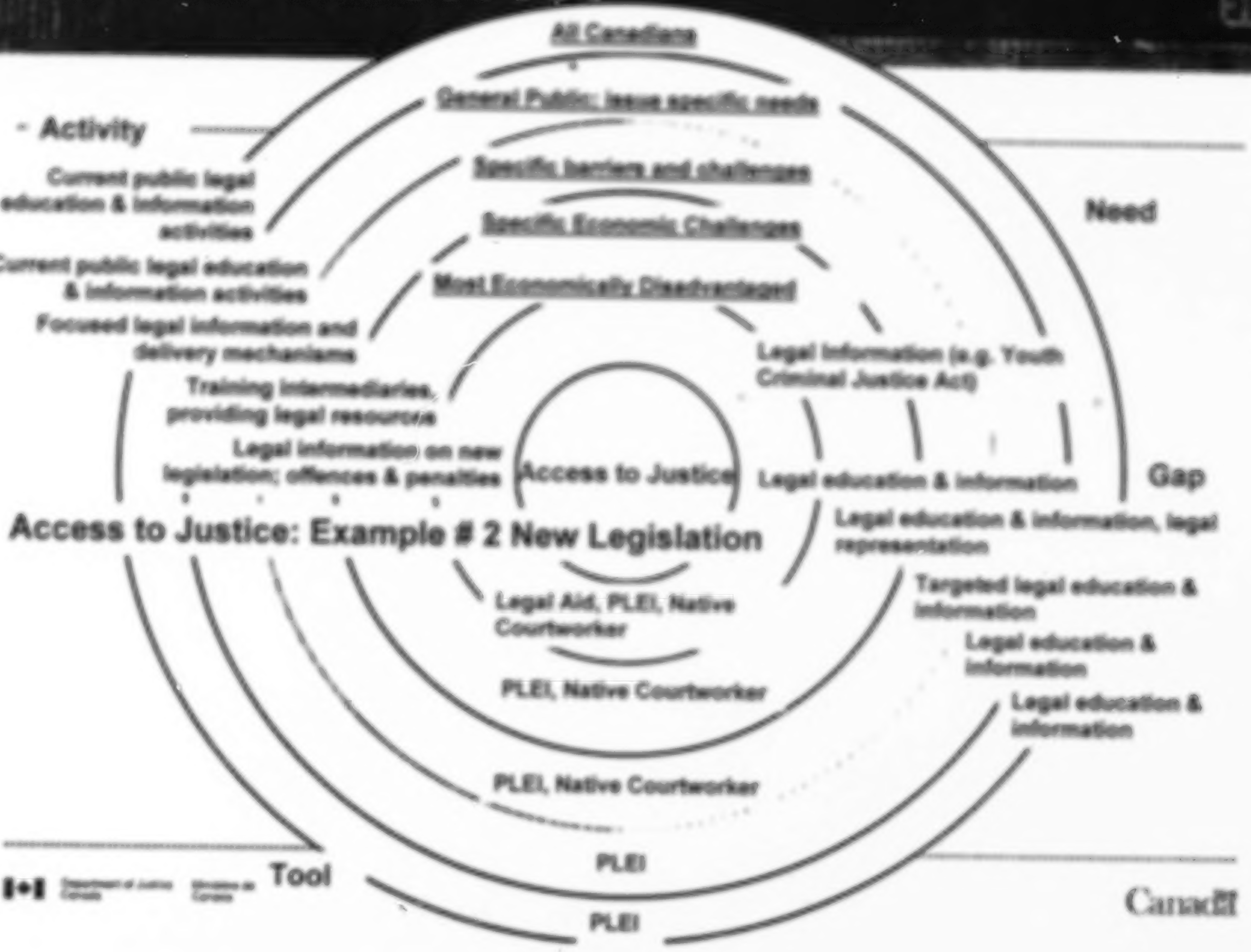
PLEI, Native Courtworker

PLEI, Native Courtworker

The model

- The completed model shows in clockwise direction the flow from the hierarchy of vulnerability to need, to gap, to tool, to activity, with choices being made in the final analysis reverting back to the hierarchy of vulnerability.

Access to Justice: Example # 2 New Legislation



- Activity

Current public legal education & information activities

Current public legal education & information activities

Focused legal information and delivery mechanisms

Training intermediaries, providing legal resources

Legal information on new legislation; offences & penalties

Need

All Canadians

General Public: issue specific needs

Specific barriers and challenges

Specific Economic Challenges

Most Economically Disadvantaged

Access to Justice

Gap

Legal Information (e.g. Youth Criminal Justice Act)

Legal education & information

Legal education & information, legal representation

Targeted legal education & information

Legal education & information

Legal education & information

Tool

Legal Aid, PLEI, Native Courtworker

PLEI, Native Courtworker

PLEI, Native Courtworker

PLEI

PLEI

Another Example:

- In the second example, which is complete, we use the example of a need being legal information on the *Youth Criminal Justice Act*.
- We see that the gaps are identified according the hierarchy of vulnerability. There is then a consideration of the available tools, the selection of PLEI as the appropriate one, and the determination of activities to fulfil the need.
- In the actual decision-making process, resources are first allocated where the vulnerability to justice system exclusion is greatest according to our established hierarchy of vulnerability.

Key Points

- *Access to Justice is a principle, not a "thing" to be defined.*
- The model is a *framework for decision-making*. The model shows how choices for resource allocation should be made, when they have to be made.
- *Justice programs are access to justice tools.* Programs cannot be viewed in isolation. Programs must be viewed in the context of other available tools.
- The model should not be viewed nor applied *rigidly*. With a myriad of variables, the model will, and should, change with use.
- The model is founded on the policy decision that, *generally*, resources will be allocated where vulnerability to justice system exclusion is greatest. It must always be kept in mind that all levels of vulnerability will have to be considered and resources applied to achieve the principle of access to justice.